

LETTERS OF PHINEAS BOND,  
BRITISH CONSUL AT PHILADELPHIA,  
TO THE  
FOREIGN OFFICE OF GREAT BRITAIN,  
1787-1794

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**LETTERS OF PHINEAS BOND, BRITISH CONSUL AT PHILADELPHIA, TO THE FOREIGN OFFICE OF GREAT BRITAIN, 1790-1794.**

The following correspondence is a continuation of the series, extending from 1787 to the end of 1789, which was printed in the Report of the Commission for 1896, pp. 513-659. The letters have been derived from "Volumes 6, 7, 8, 9, 12, 14, 16, and 21, America," in the Correspondence of the Foreign Office, and have been copied under the kind supervision of Hubert Hall, esq., F. S. A., of the Public Record Office.

J. FRANKLIN JAMESON.

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**No. 62.**

*To the Duke of Leeds.*

Philad<sup>a</sup>. Jan 3<sup>rd</sup> 1790

My Lord

I have taken some pains to procure an account of the tonnage of Virginia and of the vessels annually built in that State; but tho' I have not yet been able to obtain any official documents I have every reason to presume the enclosed paper, so far as it goes may be relied on. If I am not previously furnished with this particular return from the State, it may be had when the general returns are made to the Federal Treasury.

This paper may be considered as part of No. 31 transmitted to your Grace with my letter of the 10<sup>th</sup> Nov.<sup>1</sup> This State in point of commerce is infinitely more advantageous to G<sup>t</sup>. Britain than any other State in the Union—<sup>1</sup>/<sub>3</sub><sup>th</sup> of its trade being carried on in British bottoms.

There is no appointment under the crown in any part of this State; and in no one State is the superintendence of a person

<sup>1</sup> See the First Report of this Commission, Annual Report of the American Historical Association for 1896, pp. 625, 626.

of judgment, activity, ability, and address deemed more requisite.

I have procured a precise statement of the clearances from the port of Baltimore in 1788 which I must beg leave to annex to No. 39 transmitted to your Grace with my letter of the 10<sup>th</sup> of Nov.

I have been confidently informed my Lord that the *British* tonnage at the port of Baltimore amounts to  $\frac{1}{3}$ <sup>d</sup> of the entries, and that taking the trade of the State of Maryland thro'out the proportion of British vessels employed therein is  $\frac{1}{2}$  at least.<sup>1</sup>

I have been disappointed in obtaining an accurate list of passengers imported into Baltimore since the Peace; but I have assurances of being shortly furnished with it.

For 2 years after the war from 6 to 800 Irish passengers were imported annually;—from the year 1785 to the year 1789 scarcely any arrived there; in the year 1789 there were about 240 Irish and about 260 Palatines landed at Baltimore. Most of the Irish passengers paid their passage money; the German were chiefly indentured servants.

New Castle, Wilmington and Philad<sup>a</sup>. are the three ports in the Delaware into which passengers are imported; there are no other ports of the United States now engaged in this traffic.

Attempts will certainly be made my Lord to draw a large body of people from Ireland in the course of the next Summer; and I presume the attempts will succeed if difficulties be not immediately thrown in the way.

The paper I have the honor to enclose to your Grace affords a sad specimen of the brutal treatment of indentured servants and would of itself, if generally promulgated operate as the best means of discouraging a wretched race of people from leaving their homes. I take the liberty, my Lord, of sending forward the original publication because it carries with it the most decided authenticity.

The statement of the imports of the several states of the Union (No. 53) is the ground whereon the Federal Government calculated the productiveness of the Customs.<sup>2</sup> No estimate of the tonnage can be made until the returns from the different States are obtained.

<sup>1</sup> From the table in American State Papers, Commerce and Navigation, I, 59, one-third would appear to be a more correct estimate.

<sup>2</sup> Mr. Gerry's report of September 24, 1793, American State Papers, Finance, I, 18, alludes to these returns.

With sentiments of perfect respect I have the honor to be  
my Lord, your Grace's most faithful and most obed<sup>t</sup>. sert.

P. Bond.

His Grace the Duke of Leeds.  
Endorsed Philad<sup>a</sup>. 3<sup>rd</sup> Jan. 1790.

Mr. Bond.

R. 3<sup>rd</sup> Feb.

No. 62.

*To the Duke of Leeds.*

Philad: Mar. 1<sup>st</sup> 1790.

My Lord.

I have had the honor to receive your Grace's dispatches of the 24<sup>th</sup> of Nov: and 4<sup>th</sup> of Dec: the latter enclosing his majesty's order in Council of the 2<sup>nd</sup> of Dec. taking off the prohibition on the importation of wheat the growth of any of the territories of the United States of America which I took the earliest opportunity of communicating to the merchants here.

1. In answer to your Grace's inquiries of the 24<sup>th</sup> Nov. I beg leave to inform your Grace that the last years crop of wheat in this state and indeed of almost every other species of grain far exceeded any former years:—the seasons proved remarkably favorable and greater exertions were made in agriculture than had prevailed since the Peace.

2. The insect called the Hessian Fly<sup>1</sup> made no advances last year in this State nor was the crop of Pennsylv<sup>a</sup>. at all injured thereby: In the county of Bucks bordering upon the Delaware which separates New Jersey and Penn<sup>a</sup> the Hessian Fly made its first appearance as I have heretofore informed your Grace:—In that county its ravages had become very alarming in the year 1788, and the farmers had reason to dread depredations which had too fatally prevailed for several years before in the States of New Jersey and New York:—In the year 1789 there was scarce any appearance of the fly even in the county of Bucks; in some few fields of wheat it showed itself in small numbers exceedingly feeble—I am confidently told also that in New Jersey and New York there was scarce any appearance of the fly.

<sup>1</sup>See Report for 1896, pp. 505, 572-577, 579-581, 583-584.



This fortunate circumstance, my Lord, was imputed to the severity of the antecedent winter which was supposed to have destroyed the insect in its aurelia state, and tho' the present winter has been uncommonly mild the farmers flatter themselves the destruction of the insect has been compleated—The temperature of the air having hatched the fly prematurely, the night frosts tho' slight proved too powerful for the insect in its tender state: to say my Lord that this insect has wholly disappeared is more than I can venture to take upon myself—I am satisfied there has been a great and wonderful remission of this evil, and I most devoutly wish the ensuing season may confirm the opinions of those who conceive this greivous calamity entirely at an end; from the enclosed paper it is very plain the insect was found in its aurelia and grub state on Long I in the early part of the winter, tho' upon a future search none could be found—the destruction is accounted for in the manner I have already mentioned.

I have the honor to enclose to your Grace the prices of flour, wheat, rye and indian corn; the markets are rising, the price of grain at its present rate is reduced to the English quarter and a calculation is annexed to ascertain the whole expence of shipping these articles from hence at the present rate—comprehending the first cost freight, commission and insurance—I have also stated the present rate of exchange—the par of exchange between Philad<sup>a</sup>. and London and the current value of a Spanish milled dollar.

Wheat rye and indian corn are the only species of grain which can be called articles of export from Pennsylv<sup>a</sup>; of barley and oats sufficient is not raised for home consumption:—small quantities of the latter are annually shipped to the W. Indies, and also small quantities of buckwheat meal (called "brank" in England) an article of great culture here and of considerable domestic consumption:

The export of rye is very uncertain and depends much upon particular circumstances—it is not often in demand in great quantities. When wheat is scarce or the temptation in point of price induces the farmer to part with a more than usual proportion of his crop of wheat, rye meal and buck wheat meal are resorted to and supply the place of wheat flour: When the appearance of the crop of wheat in the ground is unfavorable in the spring the farmers are for the most part loth to leave themselves bare of wheat—the prospect of the next crop my

Lord is wretched, the seeding time was uncommonly dry, a very moist open winter succeeded, the roots of the grain having been much washed and thereby left bare became exposed, they were nipped by the frost and have suffered immensely, it is feared. According to the usual course of the conduct of farmers, therefore my Lord the present unfavorable prospect would restrain the quantity of grain to be brought to market, but I do not conceive it will have that effect. The present enormous prices will counteract this prudent rule and a more than usual proportion of wheat will be disposed of, a more than common consumption of the subjects to which I have alluded will take place of course to enable the farmers to avail themselves of the means of immediate advantage, which may not soon again offer.

It is not possible my Lord to obtain any very exact account of the quantity of grain raised in this or any other state—the prevailing opinion of those engaged in the corn trade here is, that the crop of wheat the last year in Pennsylv<sup>a</sup>. exceeded all former years about  $\frac{1}{4}$ .—Upon this presumption some estimate may be formed by referring to the exports of former years—The greatest quantity of wheat and flour ever exported from Pennsylv<sup>a</sup>. in any one year was in 1772—In that year 265967 barrels of flour were exported 182391 bushels of wheat supposing then the excess of the last years crop of wheat over the crop of 1772 to be equal to  $\frac{1}{4}$  and that there is little variance in the home consumption it will follow that of the last crop of wheat exported and to be exported the quantity of flour may be estimated at 354622 barrels and of wheat at 243188 bushels—The whole quantity of wheat exported and to be exported has been or will be shipped for Europe: From the flour must be deducted the customary supply of this article for all the W. Indies, for his majesty's colonies, for the eastern and southern states for S. America etc. estimated at about 108000 barrels, the shipments to Europe then of flour of the last year's crop made and to be yet made may be estimated at 246622 barrels. The growth of Indian corn was great tho' not so abundant in proportion as that of wheat. The greatest quantity of Indian Corn ever shipped from Penn<sup>a</sup>. in any one year was in 1771. The export of this grain then amounted to 239441 bushels. Estimating the excess of the last year's crop of Indian corn over the crop of 1772 at  $\frac{1}{4}$ <sup>th</sup> it follows that the last year's crop exported and to be exported will amount to 311329 bushels—the annual supply of this grain from hence for all the W. Indies

etc. amounts to about 200,000 bushels which being deducted the quantity exported and to be exported to Europe may be estimated at 111,329 bushels.

From the opinions of the most intelligent dealers in flour and grain I am led to think this is a very moderate calculation and the more so as it appears plain that every bushel of grain that can be spared and perhaps more than *ought* to be spared will be brought to market;—the supplies of the W. Indies this year will probably fall short of common years as the extravagant price of flour and indian corn will promote a more than usual economy and a greater consumption of other articles of sustenance.

Many people suppose there is not more than  $\frac{1}{2}$  of the wheat and flour of the last years crop of this State already exp: but I conceive this idea to be erroneous—the crop of the antecedent year was exhausted very early, it was thin, and in many places very bad—the exports of wheat and flour from hence since the beginning of August have been chiefly of the growth of the last crop and since August it appears from the list of the exports there has been more exported than the average of two particular years before the war, for in 1771, my Lord, there were only 252,744 and in 17[72] only 265,967 barrels of flour exported.

5. The demand for grain and flour has been and con[tinues] to be greater than ever was known. Immense orders have already been executed and fresh orders have lately been received from England, France Spain and Portugal:—almost all the orders from every part of Europe have been sent thro' the medium or under the guarantee of British houses; many orders are unlimited, such as are limited do not exceed 8/3 currency a bushel for wheat, and flour in proportion, none being higher than 45 curry: a barrel; which the present . . . so far exceed that the limited orders can not be executed. Late accounts my Lord of the prices of grain and flour in France have excited some doubts in the minds of conside . . . men as to the propriety of executing the unlimited orders there being apparently no room to hope any profit would result therefrom:—Some of the most extensive shippers are however making arrangements to ship large quantities of grain and flour for Europe as expeditiously as possible, and the problem is thus solved. It is said that cargoes sent to Falmouth, Cork, Oadiz etc. (to wait for a market) command a much better price than the cargoes sent directly to France and the difference is thus accounted for;—agents are employed by the

French Government to purchase at all the out ports:—they do not regard price—a supply *must* be had; the cargoes thus purchased are sent to France and there disposed of at low rates by order of Government to keep the people in humor—whereby the merchants who had the consignments of cargoes sent direct to France are undersold by this political reduction of the necessary supplies of life.

Flour is in considerable demand in Portugal; a cargo of 1400 barrels has been just purchased here at £3 curry: a barrel—on board—at the present rate of exchange equal 40/ sterling,—at par equal to 36/ sterling a barrel without freight commission or insurance—the freight of this cargo agreed for is 6/6 sterling a barrel—the cause of this enormous investment is thus accounted for: flour is imported into Lisbon by license from the Govern'.—if anything should occasion a scarcity the resentment of the people would be directed towards those who had that license—and to avoid that risque this cargo is dispatched thither by the friends of those who hold the license as a temporary supply, 'till a quantity of flour comes to market, and 'till vessels arrive to charter (of which there are but few here at this time) when the orders to the extent of the license will be compleated—the amount was 30,000 barrels of which about 20,000 were shipped before the ice interrupted the navigation of the Delaware.

The short period which has elapsed since the receipt of your Grace's letter has not enabled me to obtain thorough information as to the state of the grain in Maryland and Virginia but from every information I can collect my Lord, the crops there were abundant and the exports have been so very large that both these states are supposed to be nearly exhausted.

If the present demand in Europe continues, the rate of exchange will still fall and increase the temptation to speculators in grain to draw specie hither from Europe: the current coin of the kingdom may suffer some diminution if great care be not used.

With sentiments of perfect respect I have the honor to be, my Lord, your Grace's most faithful and most obd<sup>t</sup>. serv<sup>t</sup>.

P. Bond.

His Grace the Duke of Leeds

Endorsed. Philad<sup>a</sup>. Mar. 1<sup>st</sup> 1796

M<sup>r</sup>. Bond.

R. 19<sup>th</sup> April.



In M<sup>r</sup>. Bond's letter to his Grace the Duke of Leeds of the 1<sup>st</sup> March 1790—there is an error in the following paragraph.

The exports of wheat and flour from hence since the beginning of August have been chiefly of the growth of the last crop—and since August it appears from the list of the exports there has been more flour exported than the average of two particular years before the war, for in 1771 there were only 252744—and in 1773 only 265067 barrels of flour exported.

It should have been thus stated—"that since the beginning of August 1789 the exports of flour have been more than  $\frac{1}{2}$ <sup>th</sup> of the average of two whole years exports before the war:—for in 1771," etc.

Endorsed. In M<sup>r</sup>. Bond's April 5<sup>th</sup> (which is not copied)

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No. 64.

*To the Duke of Leeds.*

Philad. Sep. 1<sup>st</sup> 1790.

My Lord.

I have the honor to inform your Grace the Congress of the United States adjourned on the 12<sup>th</sup> of Aug. to meet in this city the first week in the month of December.

In my letter to your Grace of the 2<sup>nd</sup> of Aug. I mentioned the bill which had lately passed the legislature of the United States to fix the temporary residence of the Federal Government at this place and the permanent residence on the River Potomac; and presuming the Consul General will move hither, I then begged leave to solicit your Grace's instructions as to my future disposal and residence; which I flatter myself I shall receive in due time.

The Bill to regulate the tonnage in the United States, the draft of which I had the honor to enclose to your Grace in my letter of the 6<sup>th</sup> of July did not pass during the last session of Congress; but it is supposed it will be resumed at the next meeting of the legislature.<sup>1</sup>

Early in the month of July my Lord Col: McGillivray<sup>2</sup> and a number of Creek-chiefs passed thro' this city on their way to New York to negotiate a treaty with the United States.

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<sup>1</sup> This bill passed the House, but failed in the Senate.

<sup>2</sup> Alexander McGillivray (1740-1792), the celebrated chieftain of the Creeks; see Washington's Writings, ed. Ford, XI, 493.

The Treaty has been now completed and I have the honor to enclose your Grace a copy of it.<sup>1</sup>

With sentiments of the most perfect respect

I have the honor to be my Lord your Grace's most faithful and most obed<sup>t</sup>. serv<sup>t</sup>.

P. Bond.

His Grace the Duke of Leeds.

Philad<sup>a</sup>. Sep. 1<sup>st</sup> 1790

Mr. Bond.

R. 11<sup>th</sup> Oct.

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No. 65.

*To the Duke of Leeds.*

Philad. 18<sup>th</sup> Sep. 1790.

My Lord.

I beg leave to inform your Grace application has lately been made to me by a number of British seamen to procure them a passage to England, wishing to enter themselves in his Majesty's navy. Most of these men, my Lord, have been for some time employed in navigating the vessels of the United States the owners and masters of which apprehending a danger that mariners of this description would be pressed if they should fall in with any of his Majesty's ships have now turned them adrift and many of them are destitute of employment or the means of support.

As I had no opportunity my Lord of furnishing a passage for any number of men at once from this place, I wrote to the Consul General at New York<sup>2</sup> and submitted it to his consideration how far it might be practicable to send a certain number of these seamen home by every packet; conceiving it expedient by every possible effort to reclaim so many useful subjects and to restore them to the nation which has a natural claim to their services, at a time when they might be efficiently employed: I also requested the Consul General's opinion as to the propriety of my advancing money to such British seamen as might apply to me for relief and to what extent I should be justified in making advances. In answer to my letter the

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<sup>1</sup> Treaty of Aug. 7, 1763; Statutes at Large, VII, 25.

<sup>2</sup> Sir John Temple; see Report for 1890, p. 515.

Consul-General was pleased to inform me he had made a similar application to your Grace soon after his arrival in America, and forwarded me an extract of his correspondence on the subject;—from whence I observe it was your Grace's recommendation to encourage British seamen to return home; for which purpose a settled allowance was made by the navy board<sup>1</sup>:—I was moreover informed by the Consul-General that he has no authority over the packets in respect to the business about which I addressed him.

In this predicament my Lord I shall make every exertion to obtain passage for such British seamen as are now desirous of returning to the king's dominions, in such vessels as may be bound thither;—but I beg leave to observe to your Grace, this is a very uncertain and irregular mode of conveyance,—and the importance of the object seems to require immediate attention and regulation; it appears to me my Lord, and with great deference I submit it to your Grace's consideration, that a very obvious mode of carrying reclaimed seamen to England presents itself thro' the medium of the packets in his Majesty's service which sail monthly from New York; and a proper authority for this purpose under certain limitations might be vested in the agent and in the different consuls—And it may be necessary to observe, my Lord, that however competent the allowance from the Navy Board is, to the support of a seaman on his passage it would by no means be adequate to the expences of travelling overland to reach the packets in which case it seems expedient to vest a discretion in his Majesty's officers to increase the allowance.

It may not be improper at this time, my Lord, to remark that very severe strictures are made here upon the conduct of some of the officers of the Customs in England who scrutinize the mode of navigating the ships of the United States, and exact a strict conformity to the Acts of Navigation as to the proportion of foreign and domestic seamen employed therein.<sup>2</sup> The ship owners of this country my Lord are aware they must suffer by too close an investigation:—an adherence to which must be highly beneficial to the commerce of G<sup>t</sup>. Britain and detrimental to the trade of the United States. A vast proportion of the mariners employed in navigating American ships

<sup>1</sup> See Report for 1890, p. 531, note.

<sup>2</sup> The Navigation Acts forbade the products of America to be imported into Great Britain save in vessels of which the master and three-fourths of the crew were British subjects.

are foreigners—too many of whom I am sorry to say are his majesty's natural born subjects.

With sentiments of perfect respect I have the honor to be,  
my Lord, your Grace's most faithful and most obdt. servt.

P. Bond.

His Grace the Duke of Leeds.

Endorsed Philad<sup>a</sup>. Sep. 18<sup>th</sup> 1790.

Mr. Bond.

R. 18<sup>th</sup> Nov.

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No. 66.

*To the Duke of Leeds.*

Philad. 1<sup>st</sup> Nov. 1790.

My Lord

I have the honor to enclose to your Grace a paper containing the instrument whereby the commissioners appointed by an act of the legislature of New York declared the consent of that legislature that the State of Vermont be admitted into the United States of America; and establish the perpetual boundary line between the state of New York and the state of Vermont. The instrument bears date on the 7<sup>th</sup> day of Oct. 1790.<sup>1</sup>

Several small parties of emigrants from France have lately arrived here and at Alexandria in Virginia with an intention of making a settlement on the Scioto with those of whom I have already given some account to your Grace.<sup>2</sup>

The number of passengers imported this summer into the Delaware from Ireland I am happy to find falls very short of the general expectation; still however my Lord the number is important; many hundreds of useful inhabitants have landed here and the trade is eagerly pursued.

Some complaints of ill-treatment on the passage having been made by the passengers in one vessel, a society of persons established here for the encouragement of Irish emigrants have interposed and have prosecuted the master of the vessel

<sup>1</sup> Its text may be found in the Records of the Governor and Council of the State of Vermont, III, 459, and in U. S. House Journal, ed. 1828, I, 412, 414. The New York act referred to is that of March 6, 1790, chapter 18.

<sup>2</sup> For the history of the Scioto Company, see the life of Manssion Cutler, I, 394-524.



under an old law of Pennsylvania regulating the passenger trade. With perfect respect I have the honor to be my Lord, your Grace's Most faithful and most obed<sup>t</sup>. serv<sup>t</sup>.

P. Bond.

His Grace the Duke of Leeds.

Endorsed Nov. 1<sup>st</sup> 1790.

M<sup>r</sup>. Bond.

B. 5<sup>th</sup> Dec.

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No. 67.

*To the Duke of Leeds.*

Philad. 4<sup>th</sup> Nov. 1790.

My Lord.

In my letter of the 10th Nov. 1789 I had the honor to communicate such answers to your Grace's inquiries of the 30<sup>th</sup> June 1789, as the information I had then obtained upon the different points enabled me to transmit:—And in answer to the 4<sup>th</sup> articles of your Graces inquiries, I stated among other things a very important question which then remained to be settled in the general court of the State of Maryland in consequence of the payment of an immense deal of property into the Treasury of that State under the act of Oct. 1780, one of the laws which so materially affected the interests of one of his majesty's subjects. (See my letter of 12<sup>th</sup> July 1789.)<sup>1</sup>

I have just received information from Maryland, my Lord, that the judges of the superior court have determined that by the late war with Great Britain, the remedy of the British creditors to recover their debts, was suspended and that the Treaty of Peace restored the Rights of Action notwithstanding any payment into the Treasury in pursuance of the Act of Assembly of Oct. 1780, and that the right being suspended by the war interest is recoverable only from the 7th of September 1783, the date of the definite treaty.<sup>2</sup>

This decision, my Lord, emancipates the principal sum of many important debts due to British creditors which had been locked up for years by the oppressive terms of this unjust

<sup>1</sup> See Report for 1896, pp. 601, 602, 625.

<sup>2</sup> Apparently the case of *Dulaney vs. Wells, 2 Harris and McHenry, 25*. The judgment of the General Court in this case was afterward reversed by the Court of Appeals.

law—but the recovery of interest during the war is thereby precluded:—With sentiments of perfect respect I have the honor to be my Lord, your Grace's most faithful and most obed: servant.

P. Bond.

His Grace the Duke of Leeds.

Endorsed Philad. Nov. 4<sup>th</sup> 1790.

Mr. Bond.

R. 23<sup>rd</sup> Dec. by private conveyance.

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No. 68.

*To the Duke of Leeds.*

Philad. 1<sup>st</sup> Dec. 1790.

My Lord,

In consequence of your Grace's commands I have duly attended to the progress of that ruinous insect called the Hessian Fly and am exceedingly sorry to inform your Grace the expectations of those who flattered themselves the last winter had proved fatal to this insect are by no means confirmed:—on the contrary the fly has appeared in great force, not only in those counties where its ravages had been so destructive but has advanced and shown itself in many places in this State where it had never been observed before;—Its progress seems to have been in a South and South-west direction and as far as I can judge it has travelled 12 or 15 miles since the seeding time of the year 1789.

I have myself my Lord examined fields of wheat within the few days in a county where the insect had not been discovered before and I found numbers of the eggs deposited, some just above the root in many instances underground; others in the sheath or funnel, in appearance rather of a browner cast and of a rounder longer form than a flax seed—but very strongly resembling it.

The fields I examined, my Lord, were to the eye rich and luxuriant; but upon inspection the color of the stalks wherein the eggs were laid which were very numerous was manifestly altered changed into a sickly yellow with the tops for the most part hanging down.

It gives me great concern to find that the yellow bearded wheat has not generally resisted this insect, the growth of this

species of grain being very strong it is not so easily destroyed as grain of a weaker growth. In soils naturally rich or in grounds highly manured the destruction of the fly is scarcely perceived.

The general opinion here my Lord is that this insect is not communicated by seed but this has not been ascertained by any satisfactory observations or experiments; it is fit therefore government should be apprized of the continuance of this calamity, the better to provide the means of preventing its introduction into the Kingdom in any shape it might possibly be conveyed.

With sentiments of perfect respect I have the honor to be, my Lord, your Grace's most faithful and most obed<sup>t</sup>. ser<sup>t</sup>.

P. Bond.

His Grace the Duke of Leeds.

Endorsed Philad<sup>a</sup>. Dec. 1<sup>st</sup> 1790.

M<sup>r</sup>. Bond.

R. 2<sup>nd</sup>. Jan:

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No. 39.

*To the Duke of Leeds.*

Philad<sup>a</sup>. 3<sup>rd</sup> Jan. 1791.

My Lord,

I have the honor to inform your Grace the Session of Congress began early last month<sup>1</sup> and I now enclose the speech of the President and the address of the Senate and House of Representatives upon this occasion. One matter among others, my Lord, recommended to the legislature seems especially to affect the commerce of G<sup>t</sup> Britain and therefore justifies some animadversion on my part.

It is too certain my Lord that those who are most efficiently concerned in the Executive department of this Government have viewed and still view the benefits resulting from the commerce of this country to the British shipping with a very jealous eye; and various attempts have been made to increase the present duties on our tonnage and to introduce other commercial regulations which might tend in some degree to exclude our ships from the ports of this country; tho' the late imposi-

<sup>1</sup> December 4, 1790.

tion of tonnage upon ships has operated as a heavy charge upon our commerce hither, the diminution of the number of British vessels employed herein lately is rather to be imputed to the scantiness of the last crop, the little demand for wheat and flour in Europe and the exorbitant rates of insurance occasioned by the prospect of war with Spain than to any check the enterprising spirit of our ship-owners have received by the regulations as they now stand.

The promoters of still further severities found their endeavors to fetter the foreign trade by new impositions which in some respects would have amounted to an exclusion of our ships had no chance of success, in the last session of Congress but it seems now, my Lord, more than probable under the recommendation of the President "to provide against the abridgement of the means of export of the staples of this country which the disturbed situation of the great maritime powers of Europe may occasion, and to encourage the navigation of the United States as an expedient to guard against the embarrassments, which commerce and agriculture may sustain by a dependance on foreign bottoms"<sup>1</sup> may excite new attempts to impose an additional tonnage and to throw still greater difficulties in the way of our commercial intercourse with the United States.

The anticipation of measures of this sort has already excited some alarm in many of the members of the Southern States who have confidently asserted that tho' it was good policy to encourage the American shipping, it was plain the Southern States notwithstanding the best exertions of their Eastern brethren must for years to come be dependent upon foreign bottoms and that their agriculture and commerce would be essentially injured if not destroyed by any further impositions. If any progress should be made in this important matter I shall be careful to apprise your Grace of it in due season—Since the opening of the Session my Lord official information has been received of the event of the expedition against the Indian Towns and I have now the honor to forward to your Grace the account of the expedition as it was published from the War Office.

It is pretty well known that the information as it now stands appears in a very mutilated state—sufficient is shewn upon the face of the letters and orders of the commanding officer to

<sup>1</sup> Washington's Address of Dec. 8, 1790; Richardson, Messages, I, 82, 83.



determine that the expedition has not atoned for the great loss sustained by the American troops:—The loss of the savages is by no means ascertained and tho' it is asserted that Major Hamtramck had reached Port St. Vincennes, it is allowed that he has lost all his pack horses—The inhabitants of the Western country have made loud complaints of the unprotected situation in which they are placed and it is more than probable their situation will be rendered more critical by the increased resentments of the savages from the loss of their towns and the destruction of a portion of their winter stores: It is generally supposed my Lord these considerations will lead to the increase of the military establishment of the United States;—the standing army if it can be so called at present composed of 1 regiment of Infantry and one battalion of Artillery amounting in the whole to 1216 non-com<sup>d</sup> officers privates etc. is allowed to be a force vastly inadequate to the defence of the Western posts, much less to any offensive operations;—the increase of the regular military establishment becomes more expedient as it has been found in the last expedition as well as in other enterprises that little reliance is to be placed upon the Militia:—Should an increase take place, my Lord, offensive operations will naturally follow, and should the savages be driven back the posts now occupied by his majesty's troops will become more subject to danger and insults;—a matter which there is too much reason to apprehend will rather be encouraged than checked, for tho' no man of information and candor supposes at this time, that the savages are encouraged by the Government of G<sup>t</sup>. Britain to commit depredations on the frontier, the idea is encouraged by persons high in office here; and fallacious representations very injurious to the humane character of the British Government have been disseminated to increase the prejudices of the people and aggravate resentments already too prevalent.<sup>2</sup>

These posts as I have frequently remarked to your Grace are viewed with a very jealous eye; the tenure by which they are held is known to be founded on a gross violation of the Terms of the Treaty of Peace on the part of the United States,—whereby stipulations which involved the essential interests of

<sup>1</sup> See the report alluded to, in American State Papers, Indian Affairs, I, 104-106; the complaint from the Western country, *id.*, 110; the official statement of the troops in the service of the United States, *id.*, 117, 118.

<sup>2</sup> See A. C. McLaughlin, *The Western Posts and the British Debt*, in the Report of the American Historical Association for 1894, p. 413.

his Majesty's subjects have been treated with evasion and contempt:—Hitherto, my Lord, the inefficient state of the Government of the Union baffled every attempt to remove the existing causes of complaint; but of late measures have been taken to obtain from the several states an account of the laws existing in each state incompatible with the Treaty of Peace—and upon the report some steps will probably be taken to cause the inforcement of the treaty as far as it can now be effected;—but my Lord there is one important point upon which the season of redress is past;—it relates to the debts of those subjects of the crown which have been litigated in the courts of law of the various states wherein a uniform deduction of several year's interest has been made, a matter of itself violating the treaty as grossly as the denial of the recovery of the principal of those debts *itself* would have been—for as the terms of the treaty secured the mutual recovery of debts, the measure of recovery ought to have . . . . according to the nature of the contract; and if the contra[ct] carried interest any deduction therefrom amounts to [a] palpable breach of the treaty.

In the present situation of affairs in Europe it may be proper to advert to a circumstance I have heretofore had the honor of suggesting to your Grace that the disposition of those who may be called [the] administration of this country is strongly inclined to favor the interests of France; the means, my Lord . . . . infrequent, nor is it probable America would inter[pose] in a war between England and Spain even if [France] were to unite with Spain:<sup>1</sup> the policy of this country do[es] not justify any interference that might involve . . . . as a party in the war; still however, my Lord, Fr[ance] in case of war would derive infinite advantage fr[om] her treaty with the United States whose ports would aff[ord] shelter and refuge to her ships and prizes;<sup>2</sup> from which advantages our ships would be decidedly excluded at least, until by the formation of some contract with the United States G<sup>t</sup>. Britain could secure similar benefits.

In case of a rupture with Spain, my Lord, it may become an object of consideration with Government how far the

<sup>1</sup> Although the Nootka Sound Convention, settling the recent difficulties between England and Spain, had been signed at the Escorial on October 28, 1790, (Martens, Recueil, III, 191), ratifications were not exchanged till Nov. 22, while the transaction was first made known to Parliament in the King's speech on Nov. 26 (Hansard, XXVIII, 891). Bond therefore on Jan. 3, 1791, might not be certain that the threatened rupture had been avoided.

<sup>2</sup> Art. XVII of the treaty of February 6, 1778.

Spanish settlements on the Mississippi near the mouth of that river might be accessible to [a] force collected near the Ohio and conveyed down the rivers in craft calculated for the purpose. Perhaps it might be deemed too hazardous an undertaking to engage in an enterprize of this sort without the concurrence of the United States, nor could such a concurrence be expected but upon this . . . . of stipulations reciprocally beneficial yet it may [be] expedient to observe, my Lord, that the Western settl[ements] have constantly murmured at the restrictions laid upon their exports, thro' the medium of the Mississippi by the Court of Spain. It is but reasonable to suppose . . . . would favor may co-operate in any measure that m[ight] tend to secure them a free trade which the uninter[r]upted passage of the Mississippi would effectually establish.<sup>1</sup>

The settlers my Lord upon the whole frontier of the United States are a hardy race of men. Adventurers by profession—and ready to seize every opportunity of profit or employment. I could not presume my Lord to delineate the plan of such an enterprize tho' I can not restrain a suggestion which may be improved by others more conversant with subjects of this nature.

I have the honor to enclose to your Grace two reports lately submitted to the consideration of the House of Representatives by the Secretary of the Treasury. The 1<sup>st</sup> respects the establishment of proper funds to pay the interest which is to accrue in 1792 on the amount of the State debts assumed by the Union and to provide for any probable deficiency in the funds already established as they relate to the original debt of the Union. The 2<sup>nd</sup> respects the institution of a national bank as a matter of utility in the operations connected with the support of the public credit.<sup>2</sup>

The objects my Lord have been received with general approbation—and the objects to which they relate are now in a train of discussion by the legislature.

As the situation of the public debt of this country is intimately connected with these subjects I have for your Grace's information obtained an accurate statement of the current expenses for the support of Government—of the domestic debt,—of the foreign debt—and of portions of the debts of the indi-

<sup>1</sup> An anticipation of the French (or Genet-Clark) project of two years later, for which see Professor Turner's article in the *American Historical Review*, III, 650-671, and the documents printed in the first and the present reports of this Commission.

<sup>2</sup> Two reports of Dec. 12, 1790; text in *American State Papers, Finance*, I, 61, 67.

vidual states, assumed by the United States; to which latter assumption the 1<sup>st</sup> report of the Secretary of the Treasury applies most particularly; and provides the funds for discharging the interest of this assumed debt. This statement, my Lord, also contains the mode of liquidating the different species of claims under the act making provision for the debt of the United States, and the means appropriated for the discharge of the interest of such of the debts as bear an interest from March 1791.

A plan is now under consideration, my Lord for the disposal of vacant lands of the United States as an operation beneficial to the Finance of the country:—this plan if carried into effect will lead to large speculations in lands which will be held forth for sale by the purchasers, and invite emigrants from Europe and elsewhere:—Many private holders of great tracts of lands are already in Europe endeavoring to dispose of their property. There is abundant ground to excite a devout wish that persons would exercise great caution in making investments of this sort with a view of removing hither from G<sup>t</sup>. Britain, Ireland and other parts of Europe. Frauds of a most gross nature have already been practiced and new stratagems will be devised to seduce unwary purchasers. More over my Lord, it should be observed that except in the State of Pennsylvania no law exists to enable aliens to purchase and hold lands and that the law of Pennsylvania is confined to a short term of years the greater part of which is expired:—Certified copies of this act have been transmitted to England, which will probably be represented as a general regulation in force thro' out the Union. In my letter of the 1<sup>st</sup> of Nov. I had the honor to inform your Grace, a society established here for the encouragement of Irish emigrants had interposed and prosecuted a master of a vessel in the passenger trade for the breach of an old law of Pennsylvania regulating that trade: The master of the vessel was a certain Cap. Robert Coningham, master of the brigantine Coningham of London Derry. Upon the trial of the Indictment it appeared there was a scarcity of provisions so that the passengers were reduced to a short allowance for three weeks previous to their arrival, that there was little or no vinegar to keep the vessel clean, and it also came out that in the berths of 4 persons a passenger had

<sup>1</sup> Plans pursuant upon Hamilton's report of July 20, 1790; American State Papers, Public Lands, I, 2.



stowed himself his wife and eight children who only drew the allowance of provisions for four people. The master was found guilty and fined £500 currency. In consideration however of his having remonstrated to his owners as to the inadequacy of his stores for the voyage, it is expected some reduction of the fine will take place.

This case will no doubt excite much murmur in the North of Ireland and perhaps may furnish the fittest season to interpose proper regulations applied to a trade in which very horrid practices too frequently prevail.

In the month of November my Lord a small Brig<sup>a</sup>. sailed from hence for Batavia and two ships cleared in the last month, one for Canton, the other for Bengal, a large ship is fitting out at New York, and a much larger at Rhode I destined for the East India Trade.<sup>1</sup> This traffic, my Lord, is not now so eagerly or so extensively pursued as heretofore; the difficulty of making proper investments to any amount, in cargoes calculated for that market, and the scarcity of specie from which the most profitable returns would flow has been the occasion of confining the trade to a few wealthy merchants, and even these have contracted their scale of adventuring considerably.

With sentiments of the most perfect respect, I have the honor to be my Lord your Grace's

Most faithful and most obed<sup>t</sup>. ser<sup>t</sup>.

P. Bond.

His Grace, the Duke of Leeds.

Endorsed. Philad<sup>a</sup>. Jan 3, 1791.

M<sup>r</sup>. Bond.

R. 31<sup>st</sup>.

No. 70.

*To the Duke of Leeds.*

Philad<sup>a</sup>. 1<sup>st</sup> Feb. 1791.

My Lord,

I have now the honor to enclose to your Grace the sequel of General Harmar's expedition against the Indian Settlement.

Within these few days, my Lord, some very discouraging

<sup>1</sup> Doubtless the "President Washington," launched Jan. 6, 1791. See Miss Gertrude S. Kimball's *The East India Trade of Providence*, p. 28.

intelligence has reached this place, relative to the situation of the frontier country, great discontent appears to prevail among the troops which is imputed to the failure of the regular supply of provisions.

A settlement called Big Bottom has been entirely cut off during the last month and advice is just received that the Indians have slaughtered above 20 people on the North West side of the Ohio river.<sup>1</sup>

These circumstances will probably excite an immediate attention to the military establishment of the United States which at present seems very inadequate even to the preservation of the different posts now occupied by the Federal troops.

With sentiments of perfect respect I have the honor to be my Lord, your Grace

Most faithful and obed<sup>t</sup>. ser<sup>t</sup>.

P. Bond.

His Grace the Duke of Leeds

Endorsed. Philad<sup>a</sup>. Feb. 1<sup>st</sup> 1791.

M<sup>r</sup>. Bond

R. 7<sup>th</sup> March.

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**No. 71.**

*To the Duke of Leeds.*

Philad<sup>a</sup>. 14<sup>th</sup> Mar. 1791.

My Lord

I have the honor to inform your Grace the Session of Congress ended on the 3<sup>rd</sup> of this month which completed the period for which the House of Representatives was elected. As it was apprehended the business would be so protracted as to render a new session immediately necessary many of the States had proceeded to the election of their representatives previous to the close of the Session. Some of the States had not elected their members, it was deemed expedient therefore to delay the convening the legislature until the end of October and an Act passed for this purpose some days previous to the close of the session.<sup>2</sup>—An immense deal of time was consumed in the de-

<sup>1</sup> See Hildreth, Pioneer History, pp. 429-439.

<sup>2</sup> Act of March 2, 1791, chap. 14.

bates on the establishment of a National Bank and on the militia and excise laws—the militia law was not carried thro'. I have the honor to enclose your Grace the acts which passed relative to the Bank and to the Excise:<sup>1</sup> In the latter a regulation is introduced, by which the duty on distilled imported spirits is to be increased, after the last day of June. On the 15<sup>th</sup> of Dec: a resolve passed in the House of Representatives that a bill ought to be brought in for the encouragement of the navigation of the United States.<sup>2</sup> The enclosed report of the Secretary of State on the cod and whale fisheries communicated to the House of Representatives on the 4<sup>th</sup> and published by order of the Senate on the 5<sup>th</sup> of Feb. seems to have been designed as the introduction of a series of proceedings calculated to promote measures very hostile to the commercial interests of Gt. Britain.<sup>3</sup>

On the 10<sup>th</sup> of Feb. my Lord, this report was followed by a petition to Congress from the masters of 41 American vessels lying in the harbor of Charles Town, South Carolina, whose tonnage amounted to 8118 tons, stating the heavy investments they had made in shipping in consequence of the encouragement offered by Congress in a former session—the hardships they endured by being destitute of employment, and praying the Congress to relieve them from the injury they suffer by the preference given in that place to foreign vessels in the carrying trade. This petition was referr'd by the House of Representatives to the Committee appointed to bring in a bill for the encouragement of the navigation of the United States. On the 12<sup>th</sup> this com<sup>ee</sup>. was discharged.<sup>4</sup>

On the 14<sup>th</sup> of Feb: my Lord a message was sent from the Pres<sup>t</sup> of the United States to the House of Representatives stating "that soon after he was called to the administration of the Government, he found it important to come to an understanding with the Court of London on several points, interesting to the United States, and particularly to know whether they [were] disposed to enter into arrangements by mutual consent, which might fix the commerce between the two nations on principles of reciprocal advantage;—For this purpose he authorized informal conferences with their ministers, and from these

<sup>1</sup> Acts of Feb. 25 and Mar. 3, chaps. 10, 15.

<sup>2</sup> House Journal, ed. 1826, I, 338.

<sup>3</sup> This report by Jefferson is in American State Papers, Commerce and Navigation, I, 8-22.

<sup>4</sup> The petition is in American State Papers, Finance, I, 103. It was laid before the House on Feb. 10 and referred on Feb. 11; House Journal, I, 374-375.



he does not infer any disposition on their part, to enter into any arrangements merely commercial. He thought it proper to give the Senate and House of Representatives this information, as it might at some time have influence on matters under their consideration.<sup>71</sup>

On the 15<sup>th</sup> a select Com<sup>ee</sup>. of seven members of the House of Representatives was appointed to consider this message, who, also on the 21<sup>st</sup> reported an essay of a navigation act, of which I have the honor to enclose a printed copy to your Grace

On the 23<sup>rd</sup> the House of Representatives proceeded to consider the report of this Com<sup>ee</sup>. and after much debate, as to the propriety of coming to any conclusion thereon during this session, it was resolved "that the report of the select Com<sup>ee</sup>. on the Presid<sup>ts</sup>. message of the 14<sup>th</sup> be referr'd to the Secretary of State, and that he be directed to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States, with foreign nations, and such measures as he shall think proper to be adopted for the improvement of the commerce of the United States."<sup>72</sup>

It is necessary to observe to your Grace, the Session ended without any further proceedings on the subject. The president, my Lord, was in possession of the result of the informal applications made to his Majesty's ministers some weeks before the communication was sent to Congress, during which time the report on the fisheries and the petition of the masters of vessels in Charles Town harbor were brought forward and the Com<sup>ee</sup>. of navigation was discharged. The delay of this communication is imputed to a desire to prevent any hasty measures which might interrupt the commercial intercourse with G<sup>t</sup>. Britain and to give the members of the legislature during the recess an opportunity to consider and digest the plans the most expedient for the encouragement of the fisheries and the promotion of the general navigation of the United States. It was however my Lord a cause of serious concern to me to observe about the time of the President's communication the public papers contained many inflammatory paragraphs charging the Court of G<sup>t</sup>. Britain with refusing to give up the western posts or to make any compensation for the negroes taken from this country;—and also insinuating that previous to the late Indian Expedition supplies of arms and

<sup>71</sup> Richardson, Messages, I, 26.

<sup>72</sup> Journal of the House of Representatives, ed. 1826, I, 376, 395, 396.



ammunition had been dealt out to the Indians from the garrison of Detroit, from whatever source these publications arose they have plainly a tendency to increase the existing prejudices of this country and to influence the minds of the people in the adoption of regulations which some branches of the Executive Department are so anxiously disposed to promote.

The very strong desire of the officer from whom the report on the fisheries springs to favor the intercourse with France at the expence of the commerce of G<sup>t</sup>. Britain is manifest from the scope and terms of his report couched in a language of severity not practiced between nations at Peace with each other.—The business of the American fisheries, my Lord, unaided by the bounty and encouragement of G<sup>t</sup>. Britain is allowed to be a wretched one—for want of that bounty and encouragement it is sinking into nothing; the people of New England are aware they want the means of improving their fisheries and that virtual bounties in the way of repeal of duties on articles consumed in the fisheries are incompetent to the purpose of relief.

Every man of reflexion must perceive the motives which induce G<sup>t</sup>. Britain to encourage her own fisheries; and the encouragement given by France to the fisheries of America is not founded in a disposition to make friendly arrangements with the United States or in an accomodation of mutual interests but in the policy of that wise nation to stimulate every rival in an object of such magnitude as this source of naval strength and consequence to a powerful neighbor: But as even the encouragement of France and the virtual bounties suggested may fail in restoring the American fisheries to the advantages they enjoyed while the colonies were dependent on the mother country; it is deemed expedient some equivalent branches of employment should be devised to replace them; the obvious act of self-protection then is such a regulation of the navigation of the United States as “may effect a resumption of the carrying trade without injuring the rights of those nations who have actually made fair arrangements by treaties or the interest of others who by their own voluntary regulations have done as much as treaties could effectuate.”

In the future discussion of the important question of commercial regulations three different parties will prevail who will be actuated by very different motives—A majority of the members of the New England States under the appearance of

promoting the general navigation of the country will encourage every plan which may trench upon the commercial advantages of G<sup>t</sup>. Britain. By being deprived of their former intercourse with our islands in the W. Indies and reduced in the employment of the fisheries they are restrained in their ability to build and navigate their vessels; could a permission be obtained to trade with our islands the advantage of carrying their own produce and the produce of the fisheries and of bringing back return cargoes would operate most beneficially not only in securing double freights but as a more certain means of restoring their fisheries than any encouragement they can possibly expect from foreign nations: Knowing that G<sup>t</sup>. Britain will scrupulously adhere to the right of keeping the market of her own islands to herself the New England states are anxious to promote measures which may restrain the direct intercourse in British vessels between our W. India Is and the United States:—they contemplate with a prospect of certainty a vent for the produce of the United States in the establishment of repositories in foreign islands whither too, our W. India produce they suppose must be carried, to barter for such supplies as our planters may seem in need of;—and from whence they will be permitted to bring back return cargoes calculated for their own consumption,—for the encouragement of their distilleries and the supply of the Southern States with rum of their own manufacture—they conceive too, that the exclusion of British ships will secure to the vessels of the Eastern States a vast portion of the freight of the cumbersome valuable staples of the Southern States, who must then of necessity resort to them in a great degree for the means of export.

The Southern States on the contrary tho' desirous of participating in the benefits of our carrying trade dread every regulation that may cramp their means of export least the loss of their produce may follow they are disposed to prefer the ships of G<sup>t</sup>. Britain by whose merchants they are well served whose manufactures they prefer and whose credit affords them a convenience they cannot look for elsewhere; they view their Eastern neighbor with a jealous eye and had rather discourage than promote their emolument.

The third party unactuated by motives of local benefit but anxious to establish the credit of the country anticipate with no small apprehension the adoption of any system which may

abridge the revenues of the country or encroach upon a mode of supply best calculated to suit the circumstances of the people; equally laid and imperceptibly paid.

It would be improper, my Lord to hazard an opinion as to the disposition of a new House of Representatives upon this important subject;—the influence of the executive Government will certainly be exerted to favor a commercial connection with France;—already my Lord the refusal of G<sup>t</sup>. Britain to make compensation for the slaves taken from the Southern States has been pressed with no small address upon the minds of the Southern members as an act of injustice; and some without considering the broad ground G<sup>t</sup>. Britain stands on, in this respect have suffered this refusal to reconcile them to regulations which they have heretofore reprobated as militating against the interest and convenience of the States they represent. When the Pres<sup>t</sup>'s message of the 14<sup>th</sup> Feb. was under the discussion of the Com<sup>rs</sup>. it was thought proper to examine the Secretary of State and the Secretary of the Treasury, as to the probable consequences of the measures then in contemplation;—their opinions were extremely discordant, the latter predicted immediate inconvenience to the revenue of the country from any rigorous regulations with respect to G<sup>t</sup>. Britain while the former persisted in his desire to establish some monument of his gratitude and reverence for France without regarding the dangerous consequences of innovation. The drift of the Com<sup>rs</sup>. to whom the President's message was referred is plain—the expediency of some such regulations of the navigation of the United States will probably be confirmed by the report of the Secretary of State on the privileges and restrictions of the com<sup>l</sup>. intercourse with other nations and the proper measures to be adopted for the improvement of commerce and navigation, a candid communication upon the subject of the privileges and immunities of commerce will make it manifest that G<sup>t</sup>. Britain by regulations subsequent to the Peace has done more in point of real profit and advantage for the United States than France has stipulated to do by Treaty. That immunities and exemptions which originated in colonial connection have been liberally extended to America tho' in a State of alienage, and that the most favored allies of G<sup>t</sup>. Britain experience no such indulgencies—moreover, my Lord, if it be allowed that the best com<sup>l</sup>. friend of a country is the nation which takes off most of its produce no nation can be placed



in competition with G<sup>t</sup>. Britain upon this important score. The general return of the exports of the United States signed by the Secretary of the Treasury which I enclosed to your Grace is sufficient to show that while the Dominion of G<sup>t</sup>. Britain takes off nearly one half of the value of all the exports of the United States France does not take off one quarter;—and it is remarkable my Lord that this abstract relates to a year selected by the Secretary of State to throw a glare upon the benefits America enjoys by her commerce with France. The size of the exports to France in that year 1789 vastly exceeds her ordinary demands in common years. Plenty prevailed here and scarcity was dreaded in France: the rulers of that country dreaded the fatal effects the apprehension of famine might have upon the minds of the people; the danger was obviated by encouraging the importation of grain and flour at an immense expense so as to secure a supply far surpassing the usual consumption of the country:—but even under these adventitious circumstances which operated as adventitious aids to the consumption of American produce in France, it is plain the nation fell short nearly one half of the value of the exports taken off by the British dominions—

Further, my Lord, it is to be observed that the amount of the import on British Tonnage and on articles imported from the British dominions forms so considerable a part of the revenue of the United States that any interruption 'till new sources of revenue are organized might prove very destructive to the credit of the Government, the people are strongly confirmed in their habits and prejudices against direct taxation,—the system of excise is yet untried, of course its productiveness to any certain extent cannot be relied on. Many more reasons of policy and of interest exist, and it is to be hoped will prevail to correct a disposition which if persisted in must produce a war of commercial regulations between the two countries. The enclosed return of the exports of the United States is not as compleat as it might have been; if the return had been more precise it might have had a tendency to have revealed the illicit trade which is successfully carried on from some of the States especially in articles imported from the E Indies and reshipped in various modes to the W. Indies and elsewhere.

An act of the Congress of the United States passed on the 3<sup>d</sup> of March, my Lord, for the purpose of effecting a recognition of the treaty of the United States with the Emperor of



Morocco, and a sum not exceeding 20,000 dollars was appropriated thereto—

On the 4<sup>th</sup> of Feb. an act passed to admit Kentucky into the Union, as a new and separate State on the 1<sup>st</sup> day of June 1792.

On the 18<sup>th</sup> of Feb. another act passed to receive Vermont into the Union as a new and entire member of the United States—on the 4<sup>th</sup> of March 1791. Each of these new states is to be entitled to two members in the House of Representatives until the representation in Congress shall be apportioned, according to an actual enumeration of the inhabitants of the United States.<sup>1</sup>

The intelligence constantly received of the devastations committed by the Indians in the Western Territory has given just cause of apprehension for the safety of the Western Settlements.

The Congress have made arrangements for raising a large force to be commanded by Gen<sup>l</sup>. St. Clair<sup>2</sup> and the State of Pennsylvania has voted a supply of £4000 for the purpose of securing the frontier of this State.

I have the honor to be, my Lord, your Grace's most faithful and most obed<sup>t</sup>. ser<sup>t</sup>.

P. Bond.

His Grace the Duke of Leeds.

Endorsed Philad<sup>a</sup>. Mar. 14<sup>th</sup> 1791

M<sup>r</sup> Bond. Rec<sup>d</sup>. 3<sup>rd</sup> June

Duplicate original rec<sup>d</sup>.

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No. 72.

*To the Duke of Leeds.*

Philad<sup>a</sup>. 3<sup>rd</sup> May 1791.

My Lord,

In my letter of the 3<sup>rd</sup> of Jan. last I had the honor to inform your Grace that a society here established for the encouragement of Irish emigrants had prosecuted a Capt. Robert Coningham late Master of the Brigantine Coningham of London Derry for bringing a number of passengers without having provided the necessary supply of provisions for the passage,

<sup>1</sup> Chaps. 16, 4 and 7.

<sup>2</sup> Act of Mar. 3, 1791, chap. 28.

upon which charge the master was convicted and fined £500. For this fine he was imprisoned and remained in confinement many months tho' from some circumstances alledged in favor of the Master it was expected the fine would have been remitted by the Governor of the State. The charge however was deemed so very prejudicial to interests of the country as tending to discourage migrations from Ireland, that the Governor resisted every application for a remission of the fine, and the friends of the master had recourse to the legislature, who towards the close of the last session passed an act for his relief, of which I have now the honor to enclose your Grace a copy:

I have heretofore informed your Grace that an Act of Assembly existed in this state to enable aliens, for a given time therein limited, to purchase and hold lands, the limited period will shortly expire but the policy of this government will no doubt induce the legislature to protract this privilege of purchase for a series of years as a means of encouraging foreigners to purchase and settle the extensive waste lands of Pennsylvania.

In the course of the last session, my Lord, the legislature passed an act by way of supplement to "the act to declare and regulate escheats," a copy of which supplement I have now the honor to enclose to your Grace: It is calculated for the purpose of securing to the children or representatives of aliens, the possession of real estates purchased by their ancestors, and the enjoyment of personal property in as ample a manner as the citizens of this state could do without the danger of escheat by reason of alienage; with this single proviso, that this act shall not prevent the sequestration of the real or personal property of the subjects of a prince at war with the United States,—during the continuance of the war. This regulation, my Lord, is conformable to that policy which has uniformly prevailed in Pennsylvania to influence migrations hither from foreign countries as the most decided mode of increasing the consequence of this State;—but, my Lord, it is fit it should be understood that regulations of this sort *only* prevail in *this* state—no general plan of naturalization, whereby aliens are rendered competent to hold and to transmit their possessions to their representatives exists *out* of this state: Whatever real estates therefore are purchased by foreigners in other parts of the United States can only be held by the precarious tenure of a title in trust; such a title will not avoid

the consequences of a forfeiture which would inevitably result from the discovery that the Trust Estates were held for the benefit of foreigners.

I have had occasion to remark upon this subject in former letters addressed to your Grace, but I am the more anxious to bring the matter under your Grace's consideration, at this time, as I well know great efforts are making in Europe, particularly in England, to sell vast tracts of the unsettled parts of the United States some indeed have already been disposed of\* at very aggravated prices under the most fallacious representations as to the safety of the situation, and the goodness of the soil and the certain productiveness of investments, in this species of property.

Investments of this sort, my Lord, must be very detrimental to G<sup>t</sup>. Britain and very beneficial to this country:—the capitals of British Subjects are thus employed in settling the vacant lands of the United States; and the speculators to render their purchases productive will hold out every possible encouragement to emigrants to come hither; whereby the population of America is promoted at the expense of Europe.

If those who speculate in this sort of property were apprized of the dangers to which settlers on these lands are exposed from the ravages of the Indians, if they knew the precariousness of titles by which these lands are held, and the frauds practiced to enhance their value, such hazardous enterprizes might be discouraged.

With sentiments of perfect respect, I have the honor to be, my Lord, your Grace's, most faithful and most obd<sup>t</sup>. serv<sup>t</sup>.

P. Bond.

His Grace the Duke of Leeds.

Endorsed. Philad<sup>a</sup>. May 3<sup>rd</sup> 1791

Mr Bond.

R. 8<sup>th</sup> June.

\*A company under the direction of Mr. Gorham and Mr. Phelps some time ago obtained a large grant of the Western lands, from the State of Massachusetts Bay—of this grant Mr. Robert Morris of Philad<sup>a</sup>. purchased of this company 1,200,000 acres for the price of £35000 curr<sup>t</sup>. It is confidently said here, that Mr. Morris thro' his agents in London has disposed of these 1,200,000 acres to a company in England, of which Mr. Colquhoun is the principal, for no less a sum than £75000 sterling. Mr. R. Morris has lately contracted with the State of Mass.

Bay for the remainder (4,000,000 of acres) of *their* western territory for which he is to pay by instalments £100000 *curry*. These lands are situated in the Genesee Country near the Penn<sup>a</sup>. line. The agents for Mr. R. Morris now in London, are Mr. William Temple Franklin son of Governor Franklin, and Mr. Gouverneur Morris.<sup>1</sup>

No. 72a.

*To the Duke of Leeds.*

Philad. 15<sup>th</sup> June 1791.

My Lord,

In my letter of the 4<sup>th</sup> Nov. last I had the honor to communicate to your Grace the opinion of the general court of Maryland on the subject of the debts paid into the Treasury of that State in pursuance of the Act of Assembly of Oct. 1780, an abstract of which letter I transmitted to your Grace in my letter of the 10<sup>th</sup> Nov. 1789.

Presuming, my Lord, it would be some satisfaction to your Grace to be informed upon what principles this determination was made I have procured a very accurate report of the case which I now have the honor of enclosing to your Grace.

It is with infinite satisfaction I inform your Grace, that a determination has lately taken place in the Federal Circuit Court of the State of Connecticut very favorable to the claims of the British Creditors. The question before the court was whether an obligation due to a British subject should bear interest during the time the creditor was inaccessible on account of the war. The Court held that a law of the State of Connecticut authorizing the State courts to direct the deduction of interest during the war was an infraction of the Treaty of Peace, and determined that the whole interest should be recovered. I hope shortly to be favor'd with a report of this case also, which I shall forthwith forward to your Grace.

With sentiments of perfect respect, I have the honor to be my Lord, your Grace's most faithful & obd<sup>t</sup>. serv<sup>t</sup>.

P. Bond.

His Grace the Duke of Leeds

Endorsed Philad<sup>a</sup>. June 15<sup>th</sup> 1791.

Mr. Bond.

Rec. 23rd July.

<sup>1</sup>For an account of these transactions, see W. G. Sumner, *The Financier and Finances of the American Revolution*, II, 251-252.



## No. 73.

*To Lord Grenville.<sup>1</sup>*Philad<sup>a</sup>. 2<sup>nd</sup> Aug. 1791.

My Lord,

By the **May** packet, I had the honor to receive your Ldp's dispatches of the 22<sup>nd</sup> of April which did not reach this place until the 22<sup>nd</sup> of July, owing to the very tedious passage of the **Dashwood**:—as there has been no packet at New York since the June mail was closed, there was no mail dispatched for the month of July:—This delay and irregularity my Lord, is extremely inconvenient to the merchants, and very detrimental to the commercial intercourse between the two countries. It is occasioned solely by the circuitous route to Halifax, which, it is presumed, might be modified at a very small expense.

I have the honor of enclosing to your Ldp. the manifests of two ships which have arrived here this season—the **Canton**, Capt. **Truxtun**, from **Calcutta**, and the **Brothers**, Capt. **Josiah** from **Canton**. In the former a new species of merchandise was imported from India, upwards of 220 tons of sugar, which will meet but a dull sale,—the cottons in particular which are infinitely undersold by our manufactures at **Manchester**.

In the repeated communications I have had the honor to make to Govern<sup>t</sup>. on the subject of the passenger trade, I felt a conviction of the importance of regulating this growing evil:—Heretofore, my Lord, this trade seemed very much confined to **Ireland**, but I am sorry to observe the rage for migrating has reached **England**, and a considerable importation of passengers from **Yorkshire** has been made into the **Delaware** within the last month. In the ship "**Martha**," Capt. **Durant** of **Whitby**, came lately from that port, 44 passengers consisting of substantial farmers, wool combers—weavers of woollen—cotton—and canvas.

I beg leave to submit to your Ldp's consideration the observations I have heretofore made on this important subject. [My letters of the 6th Nov. 1788 and 10th Nov. 1789]

<sup>1</sup> The Duke of Leeds resigned the post of Secretary of State for the Foreign Department on April 21, 1791. His correspondence thereupon at once passed into the hands of the other Secretary of State, Pitt's cousin Lord Grenville (1759-1834), though the latter did not become distinctively Secretary for the Foreign Department until June 8, when Henry Dundas was appointed Home Secretary.

With sentiments of perfect respect I have the honor to be,  
my Lord, your Ldp's most faithful and most obedt. servt.

P. Bond.

The Rt. Hon. Lord Grenville.

Endorsed Philad<sup>a</sup>. Aug. 2<sup>nd</sup> 1791.

Mr. Bond.

Rec. 7<sup>th</sup> Oct.

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No. 74.

*To Lord Grenville.*

Philad<sup>a</sup>. 10<sup>th</sup> Sep. 1791.

My Lord,

I have the honor to enclose to your Ldp. a plan of a national manufacturing society published in this city which originated in consequence of overtures recently made to certain leading characters here by some persons lately arrived from England here.

I do not apprehend, my Lord, any measures to be adopted in consequence of this plan with whatever energy they may be pursued, can have, for a great length of time, any material effect upon the manufactures of G<sup>t</sup>. Britain, nor essentially diminish their consumption in this country:—Indeed my Lord from every observation I have been able to make, I am thoroughly convinced if the policy of nations justified the declaration and establishment of a free trade, and the unrestrained export and import of raw materials as well as manufactured articles were to be universally allowed, the capital, enterprize, industry, and ingenuity of our merchants, and manufacturers would continue to hold a decided ascendancy over the rest of the world in those articles to which their speculations and investments are so advantageously directed, and that they would soon effectually bear down all opposition and rivalship. But, my Lord, it is necessary to remark that if this scheme of national manufacture should be realized in N. America, the Federal Government as well as the Government of individual states will lend some aid if not by the grant of actual bounties probably by an exemption of duties and taxes on the articles consumed and the property employed in manufacturing, which would virtually, operate as bounties; or more-over, new duties may be imposed on articles of foreign manufacture which may, in the aggregate, give a decided advantage to the manufac-

tures of this country as they advance to consequence in the scale of supply, and indeed tend to promote and accelerate that consequence.

To prevent evils of this sort due vigilance will be exerted to execute the laws which prevail in G<sup>t</sup>. Britain and Ireland against seducing manufacturers and conveying away implem<sup>ts</sup>. of manufacturing; and new regulations will be framed to apply to implements and manufactures of particular branches in which a competition in other countries is contemplated or apprehended so as to extend the penalties to cases not at present provided against.

It certainly is not consistent with the true policy or interest of the United States to engage in extensive systems of manufacturing:—the disposition of the people inclines to agriculture—it is the most natural pursuit, the extent of territory favors this pursuit, the scarcity of people scattered over this prodigious continent renders the price of labor so high as to check for the most part all extensive schemes of manufacturing: Still however as the population of the country increases these schemes will become more practicable and when put into a train of encouragement and profit, will draw useful manufacturers from Europe in various branches, these will not only communicate their knowledge to others and thereby extend the means and spirit of manufacturing, but by adding to the population of the United States essentially increase their consequence. To prevent as much as possible the evil of migration hither seems to be an obvious policy on our part, but to hinder the seduction of our manufacturers will not only impede the inception of plans, which may hereafter grow formidable to our interests but tend to divert this spirit of enterprise into those channels which will best promote the reciprocal benefits of both countries.

An expenditure of 500000 dollars in repairing and improving the roads and navigation of the Middle States of the Union would be more beneficial upon the score of advancing agriculture than five times that sum employed in public manufactures, such a capital in the hands of an ignorant company would soon be dissipated by the artifice and neglect of those employed and could not exist in the weight of individual manufacturers whose single stock under their own immediate care and knowledge often amounts to as great if not a greater value than this intended public capital.

The passenger trade from G<sup>t</sup>. Britain and Ireland is a constant source of population and advantage to this country, manufacturers are frequently introduced thro' this channel; besides my Lord we suffer a severe depopulation and America derives vast benefit from it:—already upwards of 4500 passengers have arrived this season in the Delaware from Ireland, alone;—more are expected here, other vessels with passengers are destined for Maryland and S. Carolina. The trifling passage money paid from Ireland by the emigrants is from £3 to 3½ guineas a head according to the part of the vessel they occupy; the price of the passage renders the profit of the voyage very precarious—a short passage puts money into the pockets of the merchants, but a tedious passage can be attended with little or no advantage, any obstructions therefore which may lessen the profit or increase the risque would effectually abolish this trade—these obstructions may grow out of regulations calculated to meet the convenience of the emigrants in their voyage and to correct the abuses committed in this traffic;—a mode of reform I had the honor of suggesting to his Grace, the Duke of Leeds in my letter of the 16th Nov. 1788.

I have the honor of enclosing to your Ldp the census of the United States as far as it has been returned into the Secretary of State's office by the marshals of the respective districts. South Carolina and Vermont have not yet made any return. Taking the population of S. Carolina at 240000 and the population of Vermont at 85000 allowing 30000 inhabitants for the North West Territory and 5000 for the South-West Territory—the population of the United States will amount to 3919023, a number infinitely short of the expected increase, even supposing this return tolerably accurate, tho' as it was made for the express purpose of increasing the representation of the Federal Legislature it is subject to imputations under which other returns framed with similar views have laboured. [See my letter of 10th Nov. 1789 with point of inquiry.]<sup>1</sup>

The estimate of the number of inhabitants in the early

<sup>1</sup> The census of 1790 ascribed to South Carolina a population of 249,073, to Vermont 85,425 and to the Southwest Territory 35,691. It gave no figures for the Northwest Territory; Mr. Winsor, *Westward Movement*, p. 400, estimates the latter at 4300. The total population, aside from this territory, was stated at 3,929,214. Although Congress in 1774 made that estimate of 3,000,000 to which Mr. Bond alludes (*John Adams, Works*, VII, 302), Professor Franklin B. Dexter, in his classical paper on the population of the colonies, *Proceedings of the American Antiquarian Society*, V, 50, concludes that the real population at that date was not more than 2,500,000.



statements of the Congress amounted to 3,000,000—the estimate was somewhat aggravated but not in so great a degree as to justify the opinion that the population of the United States with the addition of emigrants to the natural increase of the country doubles in 16 or 17 years. Presuming that the first estimate of Congress was not very wide of the real number of inhabitants then existing, the increase in 16 years has been about  $\frac{1}{3}$ : a ratio sufficient to fix the growing consequence of the United States and to encourage the establishment of a well regulated intercourse between the two countries and in return to extend our countenance and preference to the raw material of the different states as far as is consistent with our convenience and political engagements with the powers of Europe. I have the honor to be, my Lord, your Ldp's

Most faithful and obd<sup>t</sup>. serv<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed. Philad<sup>a</sup>. Sep. 10th 1791.

M<sup>r</sup>. Bond.

Rec. 20<sup>th</sup> Oct.

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**No. 75.**

*To Lord Grenville.*

Philad<sup>a</sup>., 2<sup>nd</sup> Oct. 1791.

My Lord:

I have the honor to enclose to your Ldp a letter to the R<sup>t</sup>. Hon. the Lord's Com<sup>rs</sup>. of the Admiralty containing a registry of such Mediterranean passes as have been deposited in my office between the first day of March and the first day of Sep<sup>r</sup>. in the present year.

I have also the honor to enclose to your Ldp. a duplicate of the census of the United States with the number of representatives annexed which each state will be entitled to send to Congress, at the next election.

Within the last fortnight, my Lord, some very alarming intelligence has been received here of the revolt of the slaves belonging to the planters of Hispaniola which threatened the destruction of that colony: the blacks had killed a great number of the white inhabitants in the neighbourhood of Cape

Francois and had burnt and desolated many farms in the course of a few days.

It is apprehended the same horrid scene had been exhibited at aux Cayes and Port au Prince—<sup>1</sup>

The intelligence from the Cape, my Lord, bears date from the 23<sup>rd</sup> to the 26<sup>th</sup> of August; and has been confirmed in various ways: two persons appointed by the Assembly of the island were dispatched hither to solicit relief from the United States: Upon their arrival, the president being then, and still, absent in Virginia, this interesting Commission was taken up in the House of Assembly of Pennsylvania on the 21<sup>st</sup> of Sep. and a motion was made—"that taking into consideration the distressed and wretched situation of the inhabitants of Cape Francois, then closely besieged by an enraged and brutal multitude of negroes, the House of Representatives as men enjoying the blessings of peace and as citizens of the world being bound to relieve their fellow creatures in an hour of such terror and misery, which will not admit of delay until the meeting of Congress should resolve immediately to draw forth a portion of the resources of the State to succour the inhabitants of Cape Francois and that a Com<sup>ee</sup>. be appointed to bring in a bill to enable the governor to freight two vessels with provisions for Hispaniola to be disposed of in such manner as may most effectually promote the relief of the inhabitants and if required these vessels should receive as many of the inhabitants and their effects as could be accom<sup>odated</sup>, and proceed to the neighbouring islands or to such part of the continent of America as may be judged expedient:"—

This motion, my Lord, was submitted to a com<sup>ee</sup>. of five members, who were directed to possess the house with some authentic documents which were afterwards laid before the house and a com<sup>ee</sup>. was then appointed to bring in a bill accordingly—but upon its being represented to the house that the executive department of the United States had engaged to afford the island of Hispaniola the assistance solicited it became unnecessary for the House to proceed in their intentions of relief.

It seems, my Lord, the minister of France had applied to the Secretary of the Treasury who in conjunction with such of the officers of the Federal Government as were in this city had

<sup>1</sup> The terrible insurrection in the northern part of French St. Domingo began on August 23, 1791. See Bryan Edwards's *History of the West Indies*, ed. 1806, IV, 72-86.

consented to furnish a considerable supply of money for the purpose of suppressing the insurrection at Cape Francois and for relieving the inhabitants of Hispaniola;—which sum is to be set off against so much of the debt of the United States due to France—<sup>1</sup>

It appears my Lord that there are large quantities of flour on hand at Cape Francois; so that the supply of money will probably be invested in arms, and ammunition: with such portions of salted provisions and live stock as may be deemed requisite.

With infinite respect I have the honor to be my Lord, your Lordship's

Most faithful and most obed<sup>t</sup>. ser<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed. Philad<sup>a</sup>. Oct. 2<sup>nd</sup> 1791.

M<sup>r</sup>. Bond.

R. 14<sup>th</sup> Nov.

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No. 76.

*To Lord Grenville.*

Philad 8<sup>th</sup> Oct. 1791.

My Lord

Since I had the honor of addressing your Lordship on the 2<sup>nd</sup> of this month by the mail, the Aug. packet has arrived and the nomination of M<sup>r</sup>. Hammond as his Majesty's minister to the United States has been announced from various quarters.<sup>2</sup>

I am happy to inform your Ldp. this intelligence which at present rests on vague correspondence has been received very joyfully by those who wish well to an intercourse of strict amity between the two countries and I have every reason to believe the greatest respect will be paid here to so dignified an appointment.

The correspondence I have necessarily taken upon myself in the absence of a minister will soon devolve into more experi-

<sup>1</sup> See the letters of Ternant to Hamilton, Hamilton to Washington, and Washington, in Hamilton's Works, ed. Hamilton, IV, 174-176.

<sup>2</sup> George Hammond (1763-1853) had in 1783 been secretary to David Hartley during the negotiations at Paris for peace with America. He was minister to the United States from 1791 to 1795. He had also a distinguished part in British diplomacy elsewhere, and was one of the editors of the "Anti-Jacobin."

enced hands, until the arrival of M<sup>r</sup>. Hammond however the duty on my part seems to subsist; and it may be required of me to transmit for the present such information as may be deemed interesting.

I find some of the administration of this country are impressed with an idea that the disposition of G<sup>t</sup>. Britain towards the United States in point of commercial concessions is not very favorable. This idea is founded on some intimations lately made from London as to the tendency of a report of the Lords of the Com<sup>ee</sup>. of Privy Council for trade and plantations on the commerce and navigation of G<sup>t</sup>. Britain with the United States.<sup>1</sup>

Whether it was intended that this country should be in possession of the opinions said to be contained in this report, or whether the report was calculated for the information of Government *alone*, I can not pretend to judge, having never had any communications on the subject—: at any rate it is fit, my lord, your Ldp. should be informed that the tendency of this report is fully *understood* by the ministers of the United States.

When the discussion of com<sup>l</sup>. regulations was agitated in the last Congress, I took care my Lord, to inspire some of the members of both houses with a just sense of the advantages the United States now enjoyed in their commerce with G<sup>t</sup>. Britain, and I prepared a comparative statement of the immunities from and reduction of duties as between articles imported from America into G<sup>t</sup>. Britain and similar articles imported from other countries; this statement, my Lord, had its effect, still my Lord, I observe that the most moderate men here seemed to consider some sort of participation in the carrying trade to our islands as the indispensable basis of a commercial treaty between the two countries: But, my Lord, there is another indulgence, which, if obtainable would soften the disposition of the New England States and might be considered by them as some equivalent for the carrying trade to the West India Islands—I mean, my Lord, the legitimating vessels of a certain description built within the United States, if sold to his Majesty's subjects or made a means of remittance.

The motives to induce G<sup>t</sup>. Britain to make concessions of this sort have been frequently discussed, the indulgencies required would infallibly promote great and extensive nay increasing

<sup>1</sup>This report, of January, 1791, was in 1868 printed as a separate document by the U. S. Department of State. See Report for 1866, p. 516.



advantages to the manufacturers of G<sup>t</sup>. Britain by securing the continuance of that predilection which avowedly prevails in their favor; but on the contrary any interference with our navigation laws, or any discouragement thrown in the way of our ship-builders might be attended with consequences very dangerous to our political importance; nor perhaps, my Lord, is there any mode by which a participation of the carrying trade to our islands or the legitimating of vessels built in America could be effected, without opening a door to great fraud and great evasion.

The leading men in this country with whom I have conversed, my Lord, do not think the United States in a situation to enter at this time into a treaty offensive and defensive with G<sup>t</sup>. Britain: the honor of the Government they say is pledged to fulfil their engagements with those powers who, in the hour of difficulty interposed their aid.

Any departure from these engagements if hastily made would blast the credit of the new Government in the opinions of all mankind, but, my Lord, they add that in a series of time the advantages of a commercial connexion with G<sup>t</sup>. Britain would be so extensively felt that every part of the Union would see the expediency of the closest alliance between the two countries.

I have the honor, my Lord, to enclose to your Lordship a list of such passenger vessels as have arrived this season in the Delaware and in other parts of the United States as far as I have been able to obtain returns. The number of the passengers, my Lord, is sufficient to confirm the anxiety I have always expressed upon this important subject; the rage for migration which now prevails excites well grounded fears that some of the northern counties of Ireland will be depopulated unless a seasonable interposition be made to correct this alarming evil; and, my Lord, I conceive with great humility the plan of reform I submitted to Government in my letter of the 16<sup>th</sup> Nov. 1788 might under some modifications prove salutary.

With sentiments of perfect respect I have the honor to be, my Lord, your Ldp's most faithful and most obed<sup>t</sup>. serv<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed. Philad<sup>a</sup>. Oct. 8<sup>th</sup> 1791.

M<sup>r</sup> Bond.

Rec. 30<sup>th</sup> Nov.

by merchant ship.

## No. 77

*To Lord Grenville.*Philad<sup>a</sup>. 25<sup>th</sup> Nov. 1791.

My Lord,

The series of uninterrupted engagements in business in which I have been involved since my arrival in this country has deprived me of the opportunity of paying that attention to my own concerns which they required: a very short residence in England my Lord would be fully adequate to the purpose of making such arrangements as can only be satisfactorily effected by my own personal attention

If therefore, my Lord, it be consistent with the convenience of his Majesty's service that I should be indulged with a short absence I most respectfully request your Ldp's most favorable interposition to solicit his Majesty's most gracious permission to embark for England in the course of the next spring. By being early in possession of this permission, I shall be able to return hither in the autumn before the season of public business commences: and I beg leave to assure your Ldp. my official duties, in my absence can be committed to very confidential and prudent management. With sentiments of perfect respect I have the honor to be your Lordship's most faithful and most obed<sup>t</sup>. ser<sup>t</sup>.

P. Bond.

R<sup>t</sup>. Hon. Lord GrenvilleEndorsed. Philad<sup>a</sup>. Nov. 25<sup>th</sup> 1791.M<sup>r</sup>. Bond.R. 29<sup>th</sup> Dec.

## No. 78.

*To Lord Grenville.*Philad<sup>a</sup>. 6<sup>th</sup> Dec. 1791.

My Lord

I have the honor to enclose to your Ldp a letter for the R<sup>t</sup>. Hon. the paymasters of his Majesty's forces and one for the hon: the com<sup>rs</sup>. of his Majesty's customs.

Enclosed I also transmit to your Ldp. a note of the case determined in the Federal Court in Connecticut upon an obligation due to an inaccessible creditor; wher'in the question

was discussed as to the abatement of interest under a local law of the state of Connecticut which law provided that in suits commenced by persons who had gone within the king's lines the court had authority to try the matter in controversy according to the rules of equity or to appoint three referees to determine the same; and the defendant was allowed to plead any special matter relative either to principal or interest and if it appeared the special matter proved was of such a nature that in equity, abatement either of principal or of interest ought to be made the court was empowered as a Court of Chancery to make such order and decree thereon as should be found equitable both in relation to the debt and costs of suit.

The judges of the supreme federal court have considered this local regulation as a nullity, and have determined the case according to the treaty of peace.<sup>1</sup>

With sentiments of perfect respect I have the honor to be, my Lord, your Ldp's most faithful and obed<sup>t</sup> serv<sup>t</sup>.

P. Bond.

R<sup>t</sup>. Hon. Lord Grehville.

Endorsed. Philad<sup>a</sup>. Dec 6<sup>th</sup> 1791.

Consul Bond.

Rec. Jan. 3<sup>rd</sup> 1792

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**No. 79.**

*To George Hammond.*

Philad<sup>a</sup>. Feb. 1<sup>st</sup> 1792

Sir.

I have the honor to send you a letter addressed to me by a number of the most respectable trading houses in this city upon the subject of the circuitous route<sup>2</sup> to Halifax in certain months of the year.

The truth of the observation contained in their letter and the actual existence of the inconvenience of which the merchants complain are well-known to me and must have been confirmed by your own experience since your arrival in this country.

I flatter myself, Sir, with great deference, this will be con-

<sup>1</sup>The case is not reported in the Supreme Court Reports.

<sup>2</sup>I. e., of the packets.

sidered by you, as a fit subject of representation to his Majesty's Government.

With sentiments of real respect, I have the honor to be Sir.

Your most faithful and obed. serv<sup>t</sup>.

P. Bond.

George Hammond Esq. his Majesty's Min<sup>r</sup>. Plen<sup>y</sup>. to the United States.

Enclosed in M<sup>r</sup> Hammond's No 7.

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No. 80.

*To Lord Grenville.*

Philad<sup>a</sup>. 3<sup>rd</sup> April 1792

My Lord,

I have the honor to acknowledge the receipt of your Ldp's letter of the 3<sup>rd</sup> Jan. by the mail of that month, containing his Majesty's permission to return to England in the course of this spring on account of my private affairs; and I beg leave to inform your Ldp. I propose to embark from hence in a few weeks.

I shall be careful my Lord to commit the business of my office to such hands as may be proper to prevent any detriment arising to his Majesty's service during my absence.

I have now the honor to enclose to your Ldp. a duplicate of the census of the United States with the compleat returns for Kentucky and S. Carolina of which latter returns I also forward duplicates to perfect the printed census heretofore transmitted to your Ldp.

I beg leave to inform your Ldp. a Brigantine called the "Philadelphia" of this port Thomas Patrickson, Master, has just sailed from hence, for New South Wales with a cargo of provisions and other articles calculated for the use of the colony established there: the owners of this vessel having informed me they were encouraged in this enterprize by Commodore King<sup>1</sup> who conceived the supplies could be obtained from hence at a much cheaper rate than from G<sup>t</sup>. Britain or Ireland, I was induced to write to Governor Philip,<sup>2</sup> to assure

<sup>1</sup>Probably Commander Philip Gidley King, who went out to Botany Bay with Phillip and the "First Fleet" in 1787, and was in England for a time in 1791. He governed Norfolk Island from 1788 to 1800, and from 1800 to 1808 was governor of New South Wales.

<sup>2</sup>Captain Arthur Phillip, R. N. (1732-1814), who, sailing from England in 1787, had founded the colony of New South Wales, and governed it till December, 1792.



him the merchants who had engaged in this adventure might be relied upon for their punctuality and responsibility

I have the honor to be, my Lord, your Ldp's most faithful and most obed. servt.

P. Bond

R<sup>t</sup>. Hon. Lord Grenville

Endorsed. Philad<sup>a</sup> Apr 3<sup>rd</sup> 1792

M<sup>r</sup>. Bond,

Rec 18<sup>th</sup> May.

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No. 81.

*To Lord Grenville.*

Philad<sup>a</sup> 12<sup>th</sup> Ap: 1792

My Lord.

I have the honor to acknowledge the receipt of your Ldp's letter of the 31<sup>st</sup> Jan. inclosing a clause of the St: of the 12<sup>th</sup> of Car 2 § 3 and commanding me to notify at the different ports of the country where I reside the determination of Government to enforce this clause strictly in future.

Conceiving my Lord that the operation of a clause of this sort would at this moment have been productive of great inconvenience and that it was the intention of Government to enforce the Navigation Act merely as it respected a single article of commerce imported into particular parts of his Majesty's dominions in foreign vessels I should have deemed it my duty to have restrained this notification until some further instructions could have been obtained had it not appeared in the New York papers, and been republished here: It immediately excited a very serious alarm in the minds of the merchants and might have retarded the shipment of vast cargoes now preparing for England. Several of the merchants who are engaged in that trade applied to me on this occasion and I readily declared my personal conviction that this notification could not be intended to militate against his Majesty's orders in council by which the commercial intercourse between the two countries was regulated but was merely calculated to correct an illicit traffic in tobacco carried on in foreign ships to particular places.<sup>1</sup>

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<sup>1</sup> The third section of the statute 12 Car. II, c. 18 (Navigation Act) forbade the importation of American products into England, Ireland, Wales, Guernsey or Jersey save in ves-

I trust, my Lord, I have not ventured too far, in making this explanation which the particular exigency of the case seemed to require.

With sentiments of perfect respect, I have the honor to be,  
my Lord,

Your Ldp's most faith: and most obed. ser<sup>t</sup>.

P. Bond.

R<sup>t</sup>. Hon. Lord Grenville

Endorsed Philad<sup>a</sup>. 14<sup>th</sup> Apr: 1792.

M<sup>r</sup>. Bond.

R. 26<sup>th</sup> May.

By a merchant ship.

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No. 82.

To George Aust,<sup>1</sup>

Kirkella<sup>2</sup> 20<sup>th</sup> Sep. 1792.

Dear Sir

I have received your obliging letter of the 17<sup>th</sup> of this month. I presume my Lord Grenville is now in London.

Upon considering what it may be expedient for me to do in order to comply fully with your Ldp's instructions I think it will be proper to take notice of some decisions in our courts which are brought forward in the American Secretary's representation<sup>3</sup> and which must e'er long undergo some discussion

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sels owned by English subjects and manned chiefly by Englishmen. Upon the ratification of the treaty of 1783 this section operated to the exclusion of American ships from such importation. The Orders in Council of June 6, 1783 (Almon's Remembrancer, 1783, II, 63) threw open to them the importation of naval supplies and tobacco. The literal effect of the new directions, as stated above and in Hammond's note to Jefferson of April 11, 1792 (American State Papers, Foreign Relations, I, 136) was totally to rescind this concession. Hammond's opinion, as expressed in his note of April 12, (ibid.), was like that of Bond, that nothing so sweeping was intended; he thought, according to Jefferson (id., 135) that the new directions were merely intended to exclude foreign vessels from Jersey and Guernsey.

<sup>1</sup>George Aust was from January 1791 to December 1795 one of the two undersecretaries of state for the foreign department.

<sup>2</sup>Kirk Ella, in Yorkshire, near Kingston-upon-Hull, was the country residence of George Hammond.

<sup>3</sup>On March 5, 1792, Hammond had addressed to Jefferson a memorial concerning such acts of the United States or of individual states as seemed to him to be infractions of the treaty of 1783; this document may be found in American State Papers, Foreign Relations, I, 193-200. Jefferson's well-known counter-memorial (id., 201-237) was dated May 29, 1792, and Hammond promised to transmit it without delay to his court. The next letter of Bond to Lord Grenville shows that preparations were undertaken with a view to a reply by Hammond; but, though pressed by Jefferson in June and November, 1792, and by Randolph in February, 1794, (id., 238, 328) he never made one, and the whole matter went over into the negotiations of Jay and Grenville.

here; it is fit therefore the merits should be amply understood, and that Mr. Hammond should be made acquainted with them.

I should have been able to have sent my observations before this time, if I could have obtained the materials from whence I am to collect information as to the true state of these cases, but the gentleman who is to furnish me with the cases has disappointed me, he is now in the country—but I am to meet him in London on the 1<sup>st</sup>. of Oct.

I shall be in town some days before the usual time of closing the mail. I shall exert the best means in my power to have everything in readiness should my Lord G. be disposed to transmit his instructions to Mr. Hammond by the Oct. packet. But I should think it more than probable the hurry of business on his Lordship's first return to London will delay for a few days at least his Ldp's dispatches for America.

I take the liberty of letting you know how things are circumstanced and rely upon your goodness to explain matters if my *observations* should be inquired after;—if nothing should pass the delay of one month will not be very material;—especially as it may tend to procure a compleat investigation of the only subject of difficulty if such it ought to be called.

I am induced to stay here 'till Saturday; wishing to be present at a very loyal Entertainment at the Trinity House planned and contrived by my worthy host on the Anniversary of the king's coronation.<sup>1</sup>

The design is an excellent one, and most *seasonably* applied. I have no doubt it will be executed in so liberal a manner as to convince many of the inhabitants of this mighty province of York that we live and ought to be happy under the best king and the best constitution in the Universe.

I shall go from hence into Lancashire, as I informed you in my last; you may depend upon seeing me on the 2<sup>nd</sup>. of Oct unless I should hear from you at Manchester that I may with prosperity [propriety?] enlarge my furlough another week.

I shall be at Messrs N. and F. Philips's at Manchester, if I do not hear from you there before this day sennt. I shall set out for London of course to-morrow sennt.

<sup>1</sup> Trinity House at Hull was the house of an ancient corporation called the Guild or Brotherhood of Trinity House, whose functions were partly charitable, partly concerned with pilotage; Report of the Commission on Municipal Corporations, 1835, Appendix, p. 1581.—George III. came to the throne on October 25, 1760, but was not crowned till September 22, 1761.

Mr. Hammond joins me in best complem<sup>ts</sup>—with real respect  
I am,

Your very faithful and obed. serv<sup>t</sup>.

P. Bond.

George Aust Esq.

Endorsed Sep. 20<sup>th</sup> 1792.

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No. 83.

*To Lord Grenville.*

S. Alban's St. 12<sup>th</sup> Oct. 1792.

My Lord,

In obedience to your Lordship's commands I have digested and now beg leave to submit to your Lordship's consideration such observations as have occurred to me on the examination of the Counter memorial of the American Secretary of State delivered to his Majesty's minister plenipotentiary at Philadelphia of the 29<sup>th</sup> day of May last.

In preparing my observations, I have purposely avoided that desultory and extensive discussion which the American Secretary has pursued, and which, for the most part, appears to me to be exceedingly foreign to the present objects of negotiation.

Presuming, my Lord, it was most conformable to your Lordship's expectations, I have confined myself to those points which are deemed the most serious and important in their consequences;—which so far from being impaired by anything in the Counter Memorial may be truly said in every essential instance to be confirmed by it.

The facts stated by his Majesty's Minister plen<sup>y</sup> in his memorial of the 5<sup>th</sup> of March last, were as I have already had the honor to mention to your Ldp. collected from the mass of the Statute Books of the Individual States and from documents procured from accurate and intelligent persons.

It will afford some satisfaction to your Ldp. to find that no single instance exists in which a serious charge is repelled:—Whatever has been alleged on our part has been admitted tho' justified—confessed tho' avoided on theirs with a sophistry and refinement peculiar to professional exceptions:—but when investigated every sentence of this Counter Memorial furnishes most decisive evidence of palpable breaches committed by the different States against the solemn stipulations of the Treaty of Peace.



As I have confined my remarks to those subjects which the American Secretary has brought forward it may be material to observe that tho' most of the acts of the individual States mentioned in the representation of his Majesty's Min. Plen<sup>y</sup> are referr'd to in the Appendix of the American Secretary of State, many of the acts are very slightly touched upon, others are not admitted as having come to his knowledge. I am conscious however, my Lord, that every law whereon any charge has been founded, was not only an existing law at the period alluded to, but that the scope and operation of each exceptionable law has been truly represented:—I am satisfied too, my Lord, that every legal proceeding has been candidly stated. If subsequent modifications of laws have taken place, or if particular decisions of the State Courts have been rectified, the fullest credit will be given to them when they are known and explained, tho' it is much to be feared after so great a lapse of years measures of this sort will be found incompetent to redress the evils of which we complain.

The first point which the American Secretary of State discusses is that of exile and confiscation and in order to obviate his charge of "useless repetitions of what had taken place anterior to the Treaty of Peace and of going back to the very commencement of the war," it is to be observed that as the laws of confiscation passed during the war were materially adverted to by the Treaty of Peace the expected repeal of those laws could not have been represented by his Majesty's Min. Plen<sup>y</sup>. without alluding to the laws themselves.

The instances adduced of the severe operation of those laws were not bro' forward "to revive invidious recollections—to question the right of a nation to seize the property of its enemies or to deduce imputations which justice would have suppressed, but merely to show that many instances did exist where the means of restoration were in the power of the respective States, but that the restoration was not as general as was consistent with justice and equity and that spirit of conciliation which on the return of the blessings of peace ought universally to have prevailed."

Without investigating the motives which induced the commissioners who formed the Treaty of Peace to adopt the word "recommend" in the article which relates to forfeited estates it may be proper to remark that from the first establishment of the Congress 'till the modification of the American Gov-

ernment which took place under the new Federal Constitution, the edicts and regulations of that body passed invariably in this form.<sup>1</sup> "Recommendations instead of laws had" not only "been introduced and rendered familiar," but they were the universal mode of promulgating what was to be known or what was to be done. It is possible it might have so happened that the distinction between recommendation and agreement was not adverted to at the Treaty of Peace. Congress might have guarded against the exercise of that "Freedom of will" now contended for by inserting positive instead of equivocal terms.

In the relaxed situation of the laws and government of the United States it was not perhaps to be expected that the prejudices of the people or their personal interests were to yield to those feelings or be influenced by those principles which actuate liberal unprejudiced minds. In a well organized Empire it may reasonably be imagined humanity and justice would have prevailed to restore property circumstanced as the mass of the confiscated estates was even where the restoration was optional.

But in this case my Lord supposing the term recommend did involve a discretion to refuse or comply instances did exist where a disposition to humanity might have been rightly exercised "without tearing up the laws of the several States and the contracts and transactions private and public which had taken place under them." Of this description were the estates of the Loyalists which at the period of the Peace remained unsold for want of buyers where bargains were relinquished where misnomers or defects of form, had left the titles still in the respective states and where purchasers who had not complied with the terms of sale gave the disposal of the property to the State: and when it is considered that many of these estates belonged to married women and to minors, to persons resident in districts of the United States whose only crime was loyalty to their rightful sovereign it were to be wished that the distinction between "enacting" and "recommending" in every legislature had operated favorably to the humane purpose of restoration applied to such meritorious objects:—A discretion thus exercised would have

<sup>1</sup> This is far from having been true after March 1, 1781, when the Articles of Confederation went into effect. Under those Articles, Congress passed numerous ordinances in every session.

been sanctioned by the universal practice of all the enlightened powers of Europe, and on the score of a liberal requital Gt. Britain had a just right to expect it. During the war the property found within the King's dominions belonging to individuals who had adhered to or ever joined the armies of the revolted colonies against the mother colonies was not forfeited or even sequestered;—and G<sup>t</sup>. Britain so far from not admitting her colonies to the strict rights of ordinary war exercised the highest liberality by confining seizures and condemnations merely to cases of prize and booty of war:

Waving however, my Lord, any further remark as to the exercise of that freedom of will, which the individual states have pursued as to the restoration of property, it is to be observed that as to the right of persons to go to any part of the United States and there to remain a given period unmolested, it could not be attended with those consequences which the American Secretary attaches to the restoration of property sold and disposed of under the laws of the several states:—and therefore as to that part of the article of the Treaty as applies to persons no discretionary power ought to have been exercised:—the stipulation should have been deemed a positive one to which no sort of qualification was annexed and every person however exceptionable in a political light who chose to claim should have been permitted to exercise the right of endeavoring to obtain a restitution of his property. So that upon this subject of exile, whatever laws restrained individuals from going into particular states subsequent to the Treaty of Peace may at least be called an improper exercise of authority for which no good cause has been or can be assigned—it carries with it the air of an intentional and marked disregard to a compact which the Executive Branch of the Government had formed.

The laws complained of are those which describe who shall be the citizens of particular states which prohibit the migration of certain persons to the States which assert the rights and preserve the Independence of the States which send individuals out of the States which had formerly joined the enemy and had returned—and banish others and forbid them to return on pain of death:—nor will the proviso annexed to the Migration Acts of Virginia, that nothing contained therein shall be so construed as to contravene the Treaty of Peace<sup>1</sup> rescue this

<sup>1</sup> Acts of October 1792, ch. 16, and October, 1793, ch. 10; see *Healing*, XI, 332, XII, 361, and *Jefferson*, in *American State Papers*, Foreign Relations, I, 204.

State from the Imputation of a violation of the Treaty because the penalties applied to the migration of individuals could only reach the subjects of the Crown these were the only persons who came within the description against whom any political jealousies existed, or could exist—and to whom alone under the particular circumstances and recent disputes between the two countries these regulations could be applied. If there was no interest to exclude the loyalists these acts were superfluous: But their operation on the minds of those who had claims was known and felt nor did the annexed proviso quiet their fears or confirm the safety of those who were disposed to endeavor to obtain a restoration of their property.

And here, my Lord, as it seems necessary in the opinion of the American Secretary of State to ascertain by whom the treaty was first broken, it may be proper to advert to the periods when the provisional and definitive treaties were first announced in America and to fix the time when certain exceptionable acts passed.

In establishing these facts it will be found that very severe regulations as to the persons and property of British subjects took place in the interval between the arrival of the provisional and definitive articles—these measures were sufficient to excite a well-grounded apprehension that the American States were not sincere in the intention of fulfilling the terms of the Treaty—an apprehension justified by the discordance of the States and the claims of each State to exercise free separate independent sovereign powers which placed the authority of Congress upon a very feeble and precarious footing.

On the 11<sup>th</sup> April 1783, Congress received an official copy of the provisional articles which were immediately proclaimed and on the 19<sup>th</sup> of April a cessation of hostilities was published.<sup>1</sup>

The receipt of the definitive articles was on the 14<sup>th</sup> Jan. 1784. The act of Virginia prohibiting the migration of certain persons to that Commonwealth passed so early as Oct. 1783.

In Rhode I it appears that in the months of May, June and Oct. 1783 very severe acts of exile had passed in that State.

These and several acts relating to property and debts enumer-

<sup>1</sup> Congress received the provisional articles from the commissioners on March 12, 1783; Wharton, *Revolutionary Diplomatic Correspondence*, VI, 282. They were proclaimed on April 11; *Jour. Cong.*, IV, 186. The cessation of hostilities was announced in the same proclamation. The definitive treaty was made known to Congress on December 13, 1783, and proclaimed on January 14, 1784; *Jour. Cong.*, IV, 316, 323.



ated in the appendix of his Majesty's Min. Plen<sup>y</sup>. were passed in the interval alluded to. It was as natural, my Lord, to suppose the suspension of all rigorous penalties against persons and of restraints upon the debts and property of British subjects would have prevailed, upon the receipt of the provisional articles as that hostilities should cease from that period—but it is neither consistent with reason or with the practice of nations to give orders to evacuate garrisons 'till a treaty be completed by the signature of the definitive articles.

The Cases of John Smith Hetfield and of Rutgers and Waddington as they relate to persons may be regularly introduced in this place.

It was positively stipulated by the Treaty, my Lord, that no prosecution should be commenced against any person for the part he may have taken in the war—and that no person shall on that account suffer any future loss or damage either in his person, liberty or property.

The case of John Smith Hetfield<sup>1</sup> was stated in the representation of his Majesty's Min. Plen<sup>y</sup>. from very accurate information, whatever was imputed to Hetfield on the charge made against him before the Grand Jury most certainly was not substantiated by proof—otherwise the court would not have bailed him—but the holding him to bail after what had passed before the Grand Jury was undoubtedly an act of oppression.

The recognizance *was* forfeited if the assurances of Hetfield's friends can be relied on—how far they may be relieved upon pleading the treaty if the recognizance should be prosecuted or how far the Executive Government of New Jersey may be disposed to release the recognizance is yet to be decided. If the treaty should be pleaded to a suit on the recognizance and the plea should be deemed a good one it will be a decided proof that the original prosecution of Hetfield was unjustifiable.

The case of Rutgers and Waddington<sup>2</sup> which was a subject of complaint was perfectly understood in all its parts, but it was not conceived that the distinction taken by the mayor's court of New York between a warrant to occupy a house within the royal lines granted by the Com<sup>r</sup>. in Chief and a permission from the quartermaster-general justified the court in giving

<sup>1</sup> See American State Papers, Foreign Relations, I, 219, 222.

<sup>2</sup> This famous case was printed in 1784 and reprinted in 1896. See Hamilton's remarks upon it in American State Papers, Foreign Relations, I, 222, and Hamilton's Hamilton, II, 244-254.

judgment against a subject of the Crown for the time the estate was occupied under the Q<sup>r</sup>. Masters authority:

He was the proper person to whom matters of this sort were attached from the very nature of his appointment and his permission should have "protected the Defend<sup>r</sup>." for the very reason assigned because it was conformable to the laws and authority existing at the time and place:—the permission under which the Def<sup>r</sup>. justified might be said to be founded on a custom or usage there prevalent;—few instances existed of a direct authority of this sort from the Com<sup>r</sup>. in Chief

But my Lord if the strict terms of the act passed by the legislature of New York during and immediately subsequent to the war had been adhered to, no military order from whatever authority it might have been derived would have been a justification in an action brought by the proprietor of a house against the occupant for rent or damage—so even if the mayor's court had been exempt from censure—the legislature of the State cannot be justified for reviving and continuing a law the operation of which militated against the express provision of the treaty and against the universal usage of nations in cases of a similar nature

If no other cause of complaint had existed than the construction of the Treaty in respect to the claim of the loyalists, it is probable my Lord the present discussion would have been spared: In adverting strictly to the terms of the article of the treaty which relates to these unfortunate persons, too much it will perhaps be found, was left to the discretion of the individual states. But when the exercise of that discretion was so unpropitious to those who were the objects of it and was followed up by breaches of articles the meaning of which admitted of no sort of qualification it cannot be deemed uncandid to involve the mass of the states in a general charge of intentional violation.

The following points of discussion refer to an unequivocal article of the treaty which stipulates the mutual recovery of debts and in order to place the different proceedings of the states relative to debts on their true grounds the American Secretary of State thinks it necessary to take a view of the British proceedings of which he has complained in a previous letter

I shall not enter at large into the detail of infractions imputed to Great Britain nor inquire whether any, or what num-

ber of negroes were embarked from New York how far the retaining the posts operated as injuries to the American trader and as obstructions of remittances for debts and by secluding the United States from a friendly connection with the Indians brot on constant and expensive war—or how far our commercial regulations lessened their means of payment by prohibiting the Americans from carrying in their own bottoms their own produce to our dominions in their neighbourhood and excluding valuable branches of their produce from our home markets by prohibitory duties.

Upon the subject of evacuating the posts the American Secretary of State concludes that as no orders were received for this purpose in Aug. 1783 and in May and July 1784 no orders had ever been given and none had ever been intended: I shall avoid any observation on the fallacy of such a conclusion and presume it was the intention of Government to evacuate the posts with such convenient speed as could be practiced with a due attention to the removal of our stores—our property and our garrisons. Meanwhile the disposition of the States began to manifest itself in the various shapes already mentioned: It was soon plainly to be discovered, that compacts made by Congress were not deemed obligatory upon the separate states—that some of the states assumed the power of modifying the treaty to suit the convenience of their citizens so that whatever consequences have arisen from our withholding the delivery of the posts, they are to be imputed to that disposition which so early appeared in the different states to violate the treaty, to assert their own separate sovereignty and independence as paramount to and capable of controuling all acts of the Congress which was and ought to have been considered as the Executive body of the Union—and as such competent to make and enforce treaties with foreign nations—

The circumstances excited the necessity of our retaining the posts in our possession that if the retention did not operate as a compulsory means of obliging the American states to comply with the terms of the treaty, it might be some sort of political compensation for what we suffered by their breach of faith: So that, in fact, my Lord, we are perfectly justified in making the proceedings of the different states which had produced previous infractions on their part a ground for further refusal or rather for suspension of compliance with our part of the treaty. Nor “is the natural order of cause and effect



inverted" when we alledge that "these proceedings of the United States were the cause" not of infractions but of mere suspension on our part and that these causes still continue.

As to the carrying away the negroes it appears to me that this stipulation could only comprehend negroes taken from their masters subsequent to the Peace and carried away.

It seems a very forced construction of this article of the treaty to say that no negroes were to be embarked; many of these wretched people were taken in battle, and were booty of war as being the property of an enemy:—others had come into the king's lines in consequence of invitations and promises of freedom held out to them. It cannot be expected that the faith of Government thus pledged to the negroes is to be violated or that such as were taken in battle should be restored:—as well might the restoration of goods or vessels captured and condemned as prize be demanded, as well might the term "Property of the American inhabitants" in the 7<sup>th</sup> article of the treaty be supposed to extend to every article captured during the war: this would be an infringement of the favorite principle that "the state in which the Treaty of Peace found things is to be considered rightful" and to depart from the principle in this instance, would be attended with all those evils which the American Secretary of State so forcibly applies to the restoration of confiscated estates as introducing laws retrospective in their nature and tending to tear up contracts and transactions public and private which had taken place under them. As to the regulations of trade to which our commercial policy has thought fit to subject the Americans,—the situation to which their alienage and separation from the mother-country has reduced them must have been contemplated by every man of reflexion as a matter resulting of necessity from the new character which America had assumed by ranking herself among the nations of the earth—: but, my Lord, if it were proper to travel into this subject it would be easily demonstrated that the United States in their commerce with G<sup>t</sup>. Britain enjoy more privileges, benefits and indulgences from [her] in the exemption from some and reduction of other duties than the most favored nations of Europe—and that by thus favoring *their* commerce we suffer an essential detriment to our revenues while their commercial system makes no discrimination in our favour but places our commercial intercourse with them upon the same footing with that of every



other nation:—but these are considerations foreign to the present inquiry which ought to be confined to this single question, Have the American States under an essential article of the Treaty of Peace fulfilled their part of a contract by which, in terms the most unequivocal it was agreed the creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted?

In confirmation of the charges founded on acts of the different legislatures we need only to resort to the American Secretary of State's own concessions commencing with Virginia which state in 1787 passed the act for reviving and continuing the several acts for suspending executions on certain judgments and to revive two acts which allowed real and personal estates to be tendered in discharge of executions, to discharge the body of the debtor from prison upon his delivering property in discharge of the debt.<sup>1</sup>

In June 1784 Virginia resolved that the Courts should be open to British suits as soon as reparations should be made or *otherwise* as the American Secretary is pleased to add "as soon as Congress shall judge it indispensibly necessary:"<sup>2</sup> But how has this assumed proviso been complied with? The Congress by repeated recommendations enjoined the separate states to a strict observance of the Treaty:—and by their circular letter in April 1787<sup>3</sup> in which they acknowledge that they have deliberately and dispassionately examined and considered the several facts and matters urged by G<sup>t</sup>. Britain as infractions of the treaty of Peace on the part of America and regret that in some of the States too little attention appears to have been paid to the public faith pledged by the Treaty; they again anxiously recommend to every state, the repeal of all acts and parts of acts repugnant to the Treaty.

At this period then, my Lord Congress did judge it indispensibly necessary that the courts should be opened to British suits, because it was a part of the Treaty that there should be no legal impediment thereto; but Virginia fettered this recommendation with qualifications and restrictions which rendered it perfectly nugatory. In 1787 this state passed the act to repeal so much of all and every act of Assembly as prohibits

<sup>1</sup> Act of October session, 1787, ch. 7; *Heating*, XII, 487.

<sup>2</sup> Resolves of June 22 and 23, 1784, *Journals of the House of Delegates*, pp. 72-75; *American State Papers, Foreign Relations*, I, 227, 228.

<sup>3</sup> April 12, 1787; *Journals of Congress*, IV, 725-726.

the recovery of British debts, to which a proviso was annexed that this act should not be in force till the evacuation of the posts and 'till reparation should be made for the negroes taken away.<sup>1</sup>

The comment of the American Secretary of State upon these proceedings seems to be at variance with the sense of Congress and the palpable object of their circular letter. It is admitted that this restrictive act did exist in 1787—it *now* exists and yet we find some surprize is expressed coupled with some invidious reflexions upon our merchants, "that more suits were not brought and earlier since it is most certain the Courts would have sustained their action and given judgment." But, my Lord what ground of surprize can there be when it is known and admitted that this proviso in the Act of Virginia did exist? when the very act itself avows and admits that restrictive laws were then in force?

I think I may with great safety assert that no suits upon the claims of our merchants anterior to the war have been decided in the State courts of Virginia and I anticipate the result of the inquiry that will be made as to the merits of the cases alluded to by the two members from Virginia. I am very confident it will turn out that there was something in these cases to take them out of the proviso in the act which restrained the recovery of British debts; either that the parties did not stand in the predicament of subjects of the crown or that the the debts if British debtors were recently contracted, that is since the Peace—<sup>2</sup>

The concessions of the American Secretary of State next proceed to S. Carolina and he admits the ordinance of that State of the 26<sup>th</sup> March 1784 respecting the recovery of debts; suspending all actions as well American as British for nine months and then allowing payment to be recovered at four equal and annual instalments, requiring the debtor in the meantime to give good security for the debts or otherwise refusing him the benefit of this act.<sup>3</sup>

By a subsequent act of this state passed in March 1787,<sup>4</sup> the instalments are said to have been extended a year further,

<sup>1</sup> Act of December 12, 1787; *Hening*, XII, 528.

<sup>2</sup> The reference is to secs. 46 and 47 of Jefferson's counter-memorial and to appendixes 52 and 53, letters of James Monroe and William B. Giles; *American State Papers*, I, 311, 394.

<sup>3</sup> *Cooper*, IV, 646.

<sup>4</sup> March 28, 1787; *Cooper*, V, 38.

but tho' the American Secretary of State has not been able to procure the two following acts, the detail of the terms and tendency of the acts is faithfully made in the representation of his Majesty's Min: Plen<sup>y</sup>. indeed the acts themselves are printed in the Statute Book of that State. New delays were thereby permitted by the enlargements of the periods of payment five years longer and the recovery of specialities and notes taken in conformity to the *former* regulations was confined to the mode and period prescribed by the *new* instalment act.<sup>1</sup>

Some stress has been laid upon the concession made by the Marquis of Carmarthen and confirmed by the Chairman of the Committee of merchants trading to America,<sup>2</sup> it reflects the highest honor on the humanity and benevolence of the noble lord and on the considerate and liberal conduct of the creditors:—From an intimate knowledge of the disposition of our merchants and a general acquaintance with the operations of their agents I am convinced they would have been satisfied if their debts had been secured under the terms and limitations of payment prescribed by the former instalment law of S. Carolina—nay even under the protracted periods of the latter law: But my Lord, finding there was no stint to the [delay] of payment, that new protractions were interposed as the old ones expired, that the delays were extended to payments actually due as well as those which were to grow due under antecedent laws—the agents had much reason to suspect an intention, finally to dissolve their contracts; and began with good cause to complain of the extreme hardship and injustice of these repeated delays.

The laws of Rhode I, New Jersey, North Carolina and Georgia making property a tender for debts under particular modes of valuation and the emitting paper money and making it payment and tender for all debts are next admitted and in order to justify these modifications applied to the recovery of British debts—the American Secretary of State is again obliged to defeat his own established principle by tracing the cause to the ravages and particular nature of the war which abridged the accustomed commerce of the United States drained them of their specie and rendered paper emissions and other modes of payment inevitable. It will be sufficient to observe my

<sup>1</sup> The acts referred to are those of Oct. 12, 1785, and Nov. 4, 1786; Cooper, IV, 716, V, 38.

<sup>2</sup> Secs. 35, 36 of Jefferson's counter-memorial.



Lord, that if the recovery of the full value of debts on either side was stipulated by the treaty any regulation which in its operation and consequence diminished the value of the debt was a palpable infringement of the treaty. If the medium of payment on either side was defined, and sterling money was that medium any regulation which substituted other money of less value was a departure from the very essence of the engagement because it involved those who were compelled to receive the substituted medium, in loss; so, my Lord, with respect to lands and personal chattels; where old tender and valuation laws existed anterior to the Peace and remained unrepealed or where new laws of this tendency were passed after the War by which British creditors were obliged to receive lands and effects at a valuation in discharge of their debts, the spirit of the treaty was palpably defeated by substituting for sterling money property under valuations unjustly and partially made for which property so assigned a price would not be obtained proportional to the value of the original debt; nor will it be deemed sufficient to say that the same measure "is dealt out to British subjects as to foreigners of all other nations and to natives themselves." The individual states have an undoubted right to legislate for their own citizens and according to their notions of justice or as the exigencies of the country may require:—But, applied to British claims the treaty ought to have been considered as a new and unalterable law prescribing a certain rule of conduct by which their recovery was to be regulated—and if by adhering to old or by enacting new municipal laws impediments are continued or created, to defeat the essential purpose of recovery according to the prescribed terms of the treaty can not be said to be complied with by the consideration that all a friend can expect is to be treated as a native citizen.

In regular order and connection it may be now proper to advert to the case of Bayard and Singleton<sup>1</sup> decided in North Carolina and of Harrison's representatives decided in the High Court of Chancery of Maryland<sup>2</sup>. These cases, my Lord were not introduced into the representation of his Majesty's Min: Plen<sup>3</sup>. for the purpose of investigating the rules and principles of alienage applied to the property of the subjects of the two countries reciprocally but merely to show the great inconvenience to which the British merchants might be reduced in pur-

<sup>1</sup>Am. State Papers, I, 235.

<sup>2</sup>Id., 204, 232.



suing the modes of recovery pointed out by the laws of some of the states under which they were obliged to accept real property at a valuation.

Much might have been said my Lord about the severe manner in which the principle of alienage had been applied to British property within the United States; and the different conduct so liberally pursued by Great Britain in this respect—but it was quite foreign to the purpose which was to show the oppressive effect of the tender and valuation laws enabling the debtor to assign property to British subjects in discharge of their debts, which, as aliens according to the principles of these adjudged cases they were not competent to hold. Another rigid inconvenience to the British creditors arose out of the law of Maryland which required the British subject to give bond for the payment of the debts he owed in the state before he could institute suits for those due to him: There would have been no injustice in this regulation, nor would it have been complained of, if the nature of the security required of the British subject had been so modified as to operate upon such debts as he might recover and to apply to the amount of money, he should receive in the state as he received it;—but the engagement that the debts of the British subject should be paid was to be an absolute engagement to be entered into before he could be permitted to commence any suit for the recovery of his own debts when the very laws under which he was to institute his claims prescribed a mode of payment which could not be converted into the means of discharging what he himself owed in the state—

An old tender and valuation law of the State of Maryland remained in full force at the Peace and is most probably unrepealed at this time; but in all the States my Lord the subjects of the crown are amenable to the laws to discharge what they owe—notwithstanding the obstacles which prevailed against their recovering what was due to them they were answerable for their individual debts but incapable of recovering the means of discharging them.

The declaration of the Federal Circuit Court of the district of Georgia in Brailsford's case<sup>1</sup> that the Treaty of Peace repealed the law of the state sequestering British debts and the decision of the general court of Maryland that the acts of the State authorizing the payment of British debts into the Treas-

<sup>1</sup> Id., 210, sec. 43; 2 Dallas, 402, 415; 3 Dallas, 1.

ury was abrogated by the Treaty of Peace proceeded as far as they went in conformity to the treaty which G<sup>1</sup>. Brifain had a right to expect.

But the conduct of these courts will not rescue other courts which have delayed and denied justice to British suitors from the imputations that their dispensations of law have been as unpropitious to the subjects of the crown as the legislative acts of the different assemblies.

Even [in] the case of Mildred and Dorsey<sup>1</sup> determined in the general court of Maryland to which much merit has been ascribed and to which some is certainly due, the judges did not go the full length of justice—they declared the debt was suspended by the war and revived by the Treaty of Peace,—they adjudged the right of action to recover the principal but they refused to allow interest for the period of the war, during which the debt was suspended.

The complaint of the suspension of final judgement in an action brought in the Federal district circuit court of Virginia by a British Subject is well-founded—the action is probably at this moment depending:<sup>2</sup>—Tho' a particular casualty might have occasioned one of the judges to retire a sufficient number of judges was left to constitute a court, the remaining judges did not then chuse to decide this important question—another court has sat since and the decision has been again adjourned:—Can it therefore with any propriety be said that treaties made by Congress according to the Confederation are superior to the laws of the States? that the courts of law in the state of Virginia have been open and freely resorted to by the British creditors without obstruction; when an existing law of this state has proscribed suits 'till certain conditions are complied with? when the Federal Circuit Court has suffered these very conditions to be entertained by way of pleas to suits there depending, and have given such pleas at the least the semblance of competency by holding them so long under advisement?

The opinion imputed to high judicial authority in Georgia, that as no legislative act of the state existed confirming the Treaty of Peace with G<sup>1</sup>. Britain war still continued between the two countries was not introduced on loose information: The assertion that such an opinion prevailed is not impeached but confirmed by the explanation of the American Secretary

<sup>1</sup>American State Papers, I, 266, 268.

<sup>2</sup>Walker vs. Jones, id., 234.

of State—If a writ brought by a British subject against a citizen of Georgia was set aside “because it was not known that the treaty was concluded or if known not ratified by the legislature,” it is evident, my Lord, such ratification was deemed indispensable to give validity to the Treaty—and the treaty remains invalid till the legislature has passed this ratification. Georgia does not appear among the States which by municipal regulation have adopted the Treaty of Peace “and changed the legal character of an alien enemy, who can not maintain an action into that of an alien friend who may.”

But the subsequent doctrine of the Chief Justice of Georgia who inculcated this principle is adduced to prove that the principle does not now continue and that the Constitution laws and treaties of the Union are now paramount to the laws of the several states. This candid acknowledgement of an error will not shelter the proceedings which put by the claim of a British subject from the charge of a direct violation of the Treaty, nor will it screen the laws of that state which continued to sequester British debts, from that imputation, on the contrary it is plain, my lord, that in this and in every other instance where the Federal Courts or the Individual State Courts have established the Treaty in opposition to municipal laws, they have stamped those laws with the charge of violating national faith and furnish the best possible testimonial of the justice of our complaints.

The last point of discussion is the interest on British debts, during the War, in regard to which, the American Secretary of State endeavors to establish certain positions which if admitted in their extent would preclude every exception to the proceedings of the State Courts upon this subject. It is said “the decision of the right to interest rests with the judiciary alone—neither the executive nor legislative have any authority to intermeddle—the administration of the justice of a country belongs exclusively to the nation inhabiting it, no foreign power can pretend to participate in their jurisdiction or that their citizens received there are not subject to it. When a cause has been adjudged according to the rules and forms of a country *its justice ought to be presumed.*”

In the prevailing prejudices against British claims founded on political jealousies and personal interests, creditors would have had little chance of justice in those states where those prejudices so palpably prevailed, if the mode and measure of justice had not been defined by positive compact.



The terms of the compact must be the rule of decision or to use the American Secretary of State's own expression "The treaty is the text of the law in the present case." If the sense of that compact has been perverted, if its extent has been qualified or restrained to the injury of the individuals whose rights are at stake, the nation to which the suffering individuals belong will most unquestionably complain of a departure from the stipulated terms.

The expressions in the 4th article of the Treaty of Peace are more pointed than the American Secretary of State has quoted them: "It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the *full value in sterling money of all bona fide debts heretofore contracted.*"

The terms appear so plain as to admit of no qualification, and yet "as nothing is said of interest on those debts" it is contended "that the sole question is whether where a debt is given, interest thereon flows from the general principle of the law?"—To decide this point, my Lord it seems only necessary to resort to the nature of the original contract. It is admitted that interest on British debts accrued at the expiration of a year after the credit was given. The full value of a debt whereon interest is to accrue from a certain period is the principle and interest due according to that calculation—that being the measure which the contract prescribes—but "as nothing is said of interest it must rest on the discretion of judges and juries as the arbiters of justice;" rather let it be said that as the full value of the debt "is given" neither the discretion of judges or juries can or ought to interpose to abridge the full value of the debt without violating the faith of the national compact.

If the intention of those who framed the treaty had been to qualify the amount of the debts to be recovered, if a certain portion of the debts was to be abridged the expressions used in this article of the treaty are most unfortunately calculated to defeat that intention: But "nothing was said of interest" because in adopting the expression "the full value" it would have been superfluous to have added *principal as well as interest*, of all bona fide debts heretofore contracted—if interest had been intentionally excluded the expression in the treaty would have been confined to the *principal* of all bona fide debts heretofore contracted.



It does not seem possible to put any other construction on this article of the treaty than this—the original contract shall be the measure of liquidation and the full value of all debts according to that liquidation shall be mutually recovered by the subjects of either country.

This construction my Lord is supported by the opinions of some particular state courts, and by the decisions of the Federal judges, in more instances than one.

In Mass. Bay the superior State Court has put by the operation of a provincial law, which abridged the charge of interest on British debts, during the war and adjudged the recovery of the whole debt principal as well as interest.

The federal judges too, holding circuits in some of the Eastern States have abrogated local laws which vested a discretionary equitable power in courts and jurors to deduct interest during the war on debts due to persons resident within the King's lines so that some of their own courts and these the highest in point of dignity do conceive the Treaty of Peace an "instrument so formal and sacred as to give a right to interest under all possible circumstances" not holding the case of a preexisting national calamity—of an interruption of the produce of lands or of other objections, which provincial judicatures might with propriety have interposed in claims between citizen and citizen, available to dissolve the solemnity of a compact between one nation and another so clearly and so precisely defined.

The presence of an agent or his absence during the war is urged as a ground which has influenced particular courts in allowing or disallowing interest on British debts.

If the fact were founded, such a ground of decision would be at variance with the universal principle inculcated in the cases complained of by his Majesty's Min. Plen<sup>y</sup>.—if a personal inability to discharge the debts occasioned by the absence of the agents had governed the decisions it superceded the necessity of calling into discussion the legality or illegality of remitting a debt to an enemy during a war,—if a remittance to an enemy were illegal payment to the agent of the enemy involved equal culpability. It is well-known and understood, my Lord that the nature of the contract for goods between British and American merchants does and ever has required the amo<sup>t</sup>. after the expiration of the usual credit to be paid in England; when any remittances are made the credit is made

from the time they fall due *in England*:—the interposition therefore of agents, my lord, only became expedient from the tardiness of the debtor to make good his engagements not as a necessary medium, thro which payment was to be made. The rule therefore that a debtor is not to seek his creditor out of the realm does not apply to this case,—the debtor had contracted to pay his creditor in the country where the credit was given, nor can the comparison between this case and the common case of tender and refusal of money hold 'till it be ascertained that the money was ready offered and refused, at the place where it was agreed the debt should be paid.

It is true, my lord, the presence or absence of an agent was made part of the evidence on several trials, but this evidence did not affect the principle upon which the causes turned; in one case the presence of an agent during part of the war influenced the jury to relax the rule generally applied to the abatement of interest and to deduct six and a half year's interest instead of seven and a half but in another case the presence of an agent had a contrary effect and eight and a half year's interest was deducted tho' the agent resided on the spot, during the whole war.

The great leading questions in the cases complained of uniformly has been, whether the plaintiff was a British subject and the prevailing principles inculcated by the Bench were that it was illegal to remit during the war—that no man shall suffer for his obedience to the laws nor be answerable for the interest of a debt when the regulations of his country forbid him to remit the principal.

It is said, my Lord, that the British Minister was heretofore sensible of the weight of the objection to the claim of interest—I think, my lord, I may go further and declare I never met with any British creditors who would not cheerfully have relinquished the charge of interest during the war provided the principal had been paid, nay they would even have given a new credit for a reasonable time if the principal and subsequent interest of their debts had been secured: Accounts to an immense amount have been settled in this liberal and considerate manner, but where the British creditors found their debtors availed themselves of the relaxed state of the laws to resist their honest claims,—and year after year protracted payment, they conceived they were justified in insisting upon the full value of their demands and in withdrawing that benevolence

which to honest and well-intentioned persons they had invariably extended.

The result of all these different regulations of the individual states has been that British suitors have experienced extreme delay—that they have been compelled to accept lands and other property at unfair valuations—that the usual course of executions has been diverted—that instalment laws have passed to operate at most unreasonable distances of time, and periods of payment;—that paper money has been made legal tender for British, in common with other debts, that the demand of interest during the war has been in many instances rejected. These regulations tended to defeat the operation of those precise and pointed expressions so cautiously introduced into the article of the Treaty which relates to debts for the purpose of guarding and protecting the claims of our merchants—In ordinary treaties the introduction of such an article would have been deemed superfluous: Natural justice and the invariable practice of nations sanction and secure the mutual recovery of debts due to the subjects of countries at war with each other as soon as Peace is established. Under the particular circumstances in which G<sup>t</sup>. Britain and America stood as to each other it was deemed prudent to insert this stipulation. If the United States violate this solemn engagement they withhold from us the only consideration we have received by war of equivalent for the essential concessions they have obtained. The importance of the consideration can not be better estimated than by opposing to it the magnitude of the advantages the United States have acquired by the Treaty;—the obligation on their part to adhere to their engagement should have been enhanced by the value of the objects they have gained.

It never was supposed my Lord, that in stipulating the mutual recovery of debts Congress meant to guarantee the eventual recovery to our merchants—the responsibility of debtors is a risque in which all mercantile contract[ing] is involved—but if the courts of various states have not been open,—if delay has resulted from the operation of particular laws—if the circumstances of debtors have changed—if death—the absence of witnesses—and the loss of testimonials have created difficulties in the recovery of British debts, the ordinary measure of mercantile risque has been increased and palpable injury has followed. That our merchants have suffered most essentially is certainly true—applied to the debts due to them in

many of the states, the assertion that no litigated debts have been recovered is founded on unquestionable fact with perhaps a very few exceptions trifling as to the extent when put into the scale of the general amount

The considerate members of the Federal Government know the reasonableness of our complaints and see the expedience of providing a speedy remedy, they feel the necessity of enforcing the stipulations of the Treaty and are satisfied the very existence of their new Constitution rests upon an energetic administration of the law—

Exceptions [may] be taken to our demand and the refinements of reason may be exerted to resist them but they are well-founded and are not to be evaded. Perhaps at this late day, my Lord, ample compensation can not be made for the losses our merchants have sustained; it is reasonable however (and much animosity may be spared by it) that some specific proposition in the way of pecuniary satisfaction should be offered—or if the resources of a new government do not admit of that mode of recompense, some equivalent in the way of surrender of territory might be proposed which in a political light may be deemed by G<sup>t</sup>. Britain a suitable and fit atonement for the infractions of the Treaty so justly imputed to the United States. Before I conclude my Lord it may be proper to advert to the decisions of some cases said to have been depending here as they are brought forward in a state of recrimination upon the conduct of our courts and they may probably e'er long become subjects of representation on the part of the Min. Plen<sup>y</sup>. of the United States.<sup>1</sup>

Neither explanation or redress, my Lord can be expected in those cases which are comprehended under "the numerous condemnations of vessels taken after the expiration of the periods stipulated in the armistice" until the merits of the questions and the title of the suits be known. When an opportunity offers to develop the grounds of decision we may venture to presume the charges will appear no better founded than the imputations applied to the cases particularly named—and we may still derive consolation from the reflexion, that the administration of justice in England stands unimpeached and has yet lost nothing of the parity of its character.

I have prepared an abstract of the proceedings of the High Court of Chancery on the subject of the Bank stock claimed

<sup>1</sup> Jefferson in American State Papers, I, 212, § 52; Hammond, *ibid.*, 137.



by the State of Maryland—which will furnish your Ldp. with the outlines of the merits of that important cause: And as much stress has been laid upon the length of time in which these proceedings have been involved, I have collected a general statement of the case which will best explain the true reason of the delay—

Perhaps, my Lord, there never was a legal investigation attended with greater difficulty to a court or with more essential hardship to individuals:—

In such a complication of interests where so many persons were of necessity to be made parties—where so many points arising out of their various pretensions, were to be litigated—the length of the proceedings in the suits and the tediousness of the time employed in drawing them to an issue were consequences unavoidably resulting from the very nature of the discussion—

How far the State of Maryland can support a claim to or transfer a title in this property originally belonging to the province of Maryland while subject to his Majesty's Government:—Whether the property in this Bank Stock was or was not confiscated to the Crown,—whether it belonged to the late lord proprietor of Maryland as the only surviving branch of the old *provincial* constitution Whether those who claim to have equitable liens upon this property as having been appropriated for or pledged for particular purposes—so finally whether the surviving trustee has now any right thereto—these, my lord, are the great leading points of difficulty, abstracted from the peculiar hardships which individuals have suffered in consequence of the conduct and management of this trust.

The ablest opinions in England rather favor the idea that the property of this Bank Stock now belongs to the Crown—The State of Maryland is not the same body as that for which the trustees were originally interested:—If the property belong to the Crown the present State can have no claim nor assignable interest therein—

The different rights of the various claimants can only be decided by a court having competent jurisdiction—and it is not to be imagined consistent with the general dignity of the administration of the justice of this country, that any needless or intentional delay has been, or can be practiced.—<sup>1</sup>

<sup>1</sup> An account of this case may be found in Scharf's *Maryland*, II, 504-507. I have not been so fortunate as to find a report of it.

As to the case of Green ag<sup>t</sup>. Buchanan and Charnock,<sup>1</sup> the answer given by his Majesty's Minister Plen<sup>y</sup>. to the suggestion of the American Secretary of State was perfectly correct; the circumstance of Green's being a citizen of the United States has no sort of connection with the Decision of the Question.

I have had the honor to converse with the Lord Chief Justice of the King's Bench on this subject and his Lordship was pleased to permit me to peruse his notes taken at the trial of the cause, at Guildhall; and to assure me the competency of an American citizen to maintain the action was never questioned nor could the point have been agitated, in any shape but upon the plea of "an alien enemy."

From the enclosed abstract relating to this and to another case in which Green was a party, your Lordship will find the causes turned upon very different grounds, and that neither cause reached that stage of proceeding that could even draw the legality of the contracts into discussion. Whenever the Court of Westminster Hall have entered into a construction of the Act of Parliament they have invariably held contracts of a similar sort illegal.—

The statute of the 7 Geo. 1<sup>st</sup> c. 21, for the purpose of securing the Commerce of the East India Co: under the provisions of its charter renders void all contracts and agreements entered into by any of his Majesty's subjects, upon the loan of any monies on bottomry on ships in the service of foreigners designed to trade in the East Indies, or supplying any such ship with a cargo or with stores or necessities—

The intention of the Statute seems to have been not only to protect the exclusive right of the East India Co: against the interference of British subjects but to confine the trade to the nation itself, by preventing foreigners from participating in it;—and consequently, my Lord, all contracts which apply to goods sent from the East Indies to foreign countries in foreign ships, contrary to the provisions of the Charter of the East India Company, can not be carried into effect in England.—

If the contracts to which Green was a party had ever been litigated it would have made no sort of difference in the decision whether he appeared in the shape of a British subject or of a citizen of the United States:—contracts with subjects and

<sup>1</sup> Green vs. Charnock is reported in 3 Brown Ch. 371, in 2 Cox Ch. 384, and in 1 Vesey Junior, 388. So far as these reports show, Bond is right in contending that the case is not relevant to Jefferson's argument.

contracts with foreigners seem to be placed precisely upon the same footing—they are equally nugatory—

If Green had actually been an American citizen (which is not the fact) it would give him no particular privilege to the detriment to the East India Company.

As often as the occasion offers, the judges will no doubt enforce this positive law, securing an important benefit to a great trading company—

The violation of this Statute is not to be justified by locality of birth or citizenship;—a plea which with equal propriety might be applied in justification of an outrage against the public peace or the most flagrant breach of a penal law.

I shall feel myself exceedingly flattered if these observations meet with your Lordship's approbation tho' I have much cause to lament that the vast variety of matter introduced by the American Secretary of State has occasioned this unavoidable length of discussion.

With sentiments of the most perfect respect, I have the honor to be, my Lord, your Ldp's most faith: and obed<sup>t</sup>. serv<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed Oct. 12<sup>th</sup> 1792.

Mr. Bond.

Enclosed are

"Abstract of the cases of Sumner against Green & of Green against Charnock and Buchanan."

"(1) Abstract of proceedings in chancery relative to the Bank Stock claimed by the State of Maryland"

"(1) General Statement of the proceedings in the High Court of Chancery relative to the capital stock in the Bank of England claimed by the State of Maryland."

No. 84.

To Lord Grenville.

S. Alban's St. 14<sup>th</sup> Jan 1793

My Lord.

I beg leave to inform your Ldp. that the idea of a scarcity of grain in Europe has induced considerable speculations in several of the ports of the United States in that article as well as in flour and that large cargoes may be immediately expected in Europe.

It is probable too, my Lord, that the disturbed situation of affairs on the continent may encourage an uncommon exportation of naval stores from the United States.

Most of the American ships touch at Cork, Falmouth and Cowes for orders but for the most part at Falmouth.

The objects of Government applied to these articles either in purchasing the cargoes for the public use, or in preventing their being sent to other countries may be effectually answered by the appointment of agents at these subports to treat for and secure the cargoes as they arrive. I have the honor to be my Lord, your Ldp's most faithful and  
most obed. serv<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed Jan. 14<sup>th</sup> 1793

Mr. Bond.

No. 85.

To Lord Grenville.

St. Alban's St. 1st Feb 1793

My Lord,

I have given the subject your Lordship was lately pleased to mention to me all the consideration its importance merits; And I am sorry to observe my lord, I have not been able to discover any effectual remedy to correct those evils to which our navigation must be exposed by relaxing the present mode of boarding American vessels and pressing such seamen as are deemed British subjects. To this inconvenience the vessels of the United States have been constantly exposed in common with all other foreigners when Gt Britain has been preparing for war. It has naturally excited much complaint and to prevent future dissention it were to be wished in the present situation of the two countries some arrangement could be made that was compatible with the security of our own navigation.

It has long been the favorite object of the Government of the United States to establish with G<sup>t</sup>. Britain a compact of this sort; that their vessels should be permitted to carry a crew of a certain number proportionate to the tonnage of each vessel—and that no scrutiny should be made into the character and allegiance of any of the crew as long as regard should be paid to the stipulated proportion.—It is obvious, my Lord, that



the effect of such a compact would operate most beneficially in favor of the navigation of that country and most fatally to the navigation of this:—

In case of a war between the maritime powers of Europe, besides abridging the number of our own seamen we should by this arrangement furnish the Americans with the only means of increasing their shipping of which they are now destitute:—most parts of that continent my lord, abound with materials for ship building—the restrictions imposed on their carrying trade by our commercial regulations have decidedly checked the increase of their navigation; but my Lord, they are destitute of seamen to navigate their present tonnage even in its contracted state and if a scrutiny were to be made into the description of their crews at this time, it would be found they were indebted to us for a considerable portion of their seamen: if war should take place—the American vessels must inevitably become the carriers in a certain degree of the powers at war; the degree to which this advantage will be extended will be in proportion to the number of seamen they can procure—their ships will increase as the means of navigating them increase: Already, my Lord, they enjoy an immense benefit from the employment of our seamen; but that benefit will be greatly aggravated if an adherence to a prescribed proportion of seamen is to exclude that search and investigation of crews which has ever happened when this country apprehended or was engaged in a war—Every British seaman who chuses to avoid the dangers of war would betake himself to America and under the flag of the United States enjoy the security which national neutrality would afford him—

Independent too, my Lord of the inducement inspired by considerations of personal safety, the temptation of extraordinary wages would operate as a most powerful motive for preferring the American navigation to ours. This inconvenience is felt severely by our ship masters, even in a time of profound peace, our ships are often deserted by the whole crew, in the ports of the United States merely on the score of the superior rate of wages.—

It is true my lord, the terms of a compact between the two countries might be so framed as to pledge mutual security to the respective crews of the two countries in the ports of each other—and the means of reclaiming each other's seamen in case of desertion might be precisely stipulated—but my Lord,

such a compact would not be effectual tho' ever so well regarded on the part of the Government of the United States:—the innumerable ports of America afford the greatest facility of escape even if the disposition of the magistracy of the country were to favor endeavors to reclaim British seamen who desert their ships—a disposition very much to be questioned when we reflect how much America is to gain by the increase of her navigation at the expense of ours.

If however, my Lord, it should be deemed a fit policy at this time to relax the practice of boarding and pressing seamen out of American vessels with a view to avoid those dissensions which must happen between the two countries, if the practice continues, it would be well to consider whether some more decided test should not be adopted in preference to the mode prevailing in the United States to ascertain the allegiance of their crews—: their custom is to take the requisite proportion of their crews, before a notary previous to the departure of their vessels from their ports who swear they are natives of the United States or resided in, or were in the service of the states at the time of the recognition of their independence by G<sup>t</sup>. Britain. The similarity of language and of manners renders it difficult to discover the fallacy of such oaths which is certainly too frequent; and it would no doubt subject the American seamen to great inconvenience in foreign ports, to require any other proof of allegiance *there*;—but it could not be deemed an inconvenience to call for a different sort of proof *at the ports* to which the seamen pretend to belong, previous to their sailing and it would be extremely proper *there* to require some satisfactory testimony to be produced to the king's consuls or other chief officers resident in or near the different ports of the United States to convince the consuls etc that the persons were bona fide subjects of the United States such as the attestation of a rector and church wardens of a parish or the oath of reputable witnesses—: In consequence of which the consuls etc might be directed to grant a fit certificate that such proof was made and the certificate might operate as a protection to such of the crew as were named and minutely described therein—: Moreover, my Lord, it seems to be a very expedient regulation, to ordain that every master of an American vessel upon his arrival at any port in the king's dominions should deliver to the officers of his Majesty's customs a true and exact registry of his crew

containing the name, place of birth and of residence, or the port to which each seaman belongs with as accurate a description as possible of the person of each:—

A similar registry might be required of the master of each British vessel upon his arrival at any port in the United States to be returned to the king's consul.

This mode of proceeding would in a little time furnish a pretty general registry of the American seamen belonging to each port of the United States employed in their commerce with the king's dominions as well as the crews of British vessels frequenting particular ports of the United States—: these registries might be distributed among the consuls who would thereby possess some sort of means of designating the persons of a great body of the seamen of each country engaged in the trade of particular ports which would operate as some sort of check to prevent desertions as well as to correct the various impositions, which will be attempted.

With sentiments of the most perfect respect, I have the honor to be, my Lord, your Ldp's. most faithful and obed. ser<sup>t</sup>—

P. Bond.

Rt. Hon. Lord Grenville

Endorsed Feb. 1<sup>st</sup> 1793

M<sup>r</sup>. Bond.

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No. 86.

*To Lord Grenville.*

No. 1.

Philad<sup>a</sup>. 17<sup>th</sup> May 1793

My Lord

I have the honor to inform your Ldp. of my arrival at this place after a passage of 6 weeks. I immediately delivered the dispatches to Mr. Hammond which your Ldp was pleased to commit to my care, and I have forwarded your Ldps letters to Sir John Temple at New York and M<sup>r</sup>. McDonogh at Boston

It is with great satisfaction I assure your Ldp, that my commission as his Majesty's Consul Gen<sup>l</sup>. for the Middle and Southern States of America was immediately recognized upon my arrival here by the president of the United States and that I have already entered upon the duties of my office to which

I beg your Ldp. to believe I shall pay the most unremitting attention.<sup>1</sup>

With sentiments of the most perfect respect, I have the honor to be, my Lord, Your Ldp's. most faithful and most obed. ser<sup>t</sup>.

P. Bond.

Endorsed Philad. May 17<sup>th</sup> 1793

Mr. Bond.

Rec. 30<sup>th</sup> June.

No 1.

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No. 87.

*To Lord Grenville.*

No. 2

Philad<sup>a</sup>. 8<sup>th</sup> June 1793

My Lord.

In my letter (No 1) of the 17<sup>th</sup> of May I did myself the honor to acquaint your Ldp. of my arrival and of the recognition of my commission as Consul General for the Middle and Southern States of America by the president of the United States.

I now beg leave to inform your Ldp that the french frigate l'Embuscade commanded by Mon. Bompard left this place on the 3<sup>rd</sup> of this month—she is still most probably in the Bay of Delaware, as several of her officers were in Philad<sup>a</sup>. two days ago.<sup>2</sup>

Presuming, my Lord, that some of his Majesty's ships of war might be cruizing off this coast I despatched a pilot boat with Mr. Hammond's approbation about a fortnight ago, with instructions to cruize between the capes of Virginia and Long I. in the hopes of falling in with them: by this pilot boat I sent intelligence that the French frigate was in this port and about to depart; I also mentioned the two small privateers fitted out at Charles Town, one of which, the citizen Genet, was then and is now refitting here; the other the Sans Culotte

<sup>1</sup> On February 28, 1793, Sir John Temple (hitherto consul-general for the whole United States) was made consul general for the New England states, and Mr. Bond consul-general for the Middle and Southern states; Annual Register, 1793, Promotions.

<sup>2</sup> The Ambuscade entered the port of New York on June 12; near there, on August 1, she fought the British frigate Boston. McMaster, History of the People of the United States, II, 105, 121-125.



was then cruising off the capes of Virginia but is now in the harbour of Baltimore:—

The same intelligence has been communicated to the officer commanding his Majesty's ships of war stationed at Antigua and proper information had been previously dispatched to Halifax.

It was at first presumed, my Lord, the destination of the *Embascade* was for *S<sup>t</sup>. Domingo* but in the present situation of the French Islands with a knowledge of our great naval force in the West Indies it is probable the frigate may cruise some time on the American coast.

For several days previous to the departure of the frigate from this port the town was in one continuous scene of riot; the french seamen ranged the streets by night and by day, armed with cutlasses and committed the most daring outrages, whenever they met any of our seamen or even American sailors whom they mistook for ours, they wounded and abused them and even took some on board the frigate where they were detained a considerable time—: and such was the confusion and inefficiency of the police of the city that the interposition of the Magistrates was considerably delayed—at length, my Lord, the persons who were forcibly taken on board the frigate were released.<sup>1</sup>

Finding, my Lord, that very false and malicious representations had been made respecting the conduct of the crews of the British vessels, and that the Mayor of the City<sup>2</sup> had publicly avowed his prejudices in favor of the French nation, I thought it expedient to publish a notification contained in the enclosed paper of the 31<sup>st</sup> of May for the purpose of manifesting and inculcating a due respect for the public peace and for the laws and constitution of the United States and to point out to the Subjects of the Crown the necessity of their seeking redress for injuries thro' the medium of the laws and where they were to resort for assistance and protection.

I made particular inquiry into the real truth of a charge brought against a British crew, which was said to have occasioned the violence and resentment of the french sailors, and found that an Irish seaman (the refuse of the *Grange's* crew) under the effect of intoxication had struck a French flag flying

<sup>1</sup> The *Ambascade* had been at Philadelphia from April 25 to June 3. The *Grange*, the British vessel mentioned below, had been captured by her within the capes of Delaware. *Id.*, 90, 100.

<sup>2</sup> Matthew Clarkson.

as a signal at the mast of an American ship and had trampled it under his feet; the rest of the Grange's crew had disclaimed this act, and these circumstances were well-known to the Master and owners of the American ship, who happened to be the Consignees of the Grange.

I also particularly investigated the character and description of persons apprehended and committed for breaches of the public peace and I was happy to find only two men had been apprehended who could come within the description of British subjects, neither of whom belonged to British vessels but had been employed for a long time in the American trade. I communicated the result of these inquiries to the Mayor of the city and caused it to be fully explained to the public which, I trust has had a good effect—

Your Lordship has been apprized of the several captures made by the French frigate and by the two privateers fitted out at Charles Town—The ship Grange of Liverpool captured by the Embuscade within the Bay of Delaware has been restored by order of the Government of the United States.<sup>1</sup> The locality of situation of two other vessels at the time of their capture viz, the William, Capt. Legget, and the Fanny Capt. Pile, has induced the consignees to apply for restitution to the Federal District Court which is invested with Admiralty powers:—and as some doubts had arisen as to the authenticity of the commissions under which the privateers cruized, the regularity of granting such commissions to vessels under similar circumstances *at any time* much less before Mon. Genet has presented his credentials, it was deemed proper to recommend to the masters of the other captured vessels to apply also to this court for restitution—but they have declined it apprehending there was no prospect of success and that they should only incur additional loss and expence. Some of them, my Lord, entertained an expectation that an official application should be made to the Courts of Law, at the expence of the Crown; in the pursuit of such a measure I certainly did not feel myself justified, especially as I had received no instructions to warrant it, nor were the masters of these vessels to be considered as destitute or distressed subjects of the Crown in a foreign country as they had consignees upon the spot who were competent to make any advances in behalf of the owners to endeavor to obtain the restoration of their property:—In

<sup>1</sup> American State Papers, I, 147-151.

deed my Lord I should have considered any application to the Courts of Law from whatever quarter it might originate as perfectly inexpedient if I had not been aware of an objection suggested upon a former occasion, viz. that an appeal to the Executive Government could not be made 'till the modes of redress pointed out by the laws of the country had been thoroughly pursued.

I can not but consider everything that has passed in the fitting out and commissioning these privateers—in their making captures—in bringing their prizes into the ports of the United States and proceeding to the sale of them under orders from the french consulate as direct insults offered to the rights of sovereignty of the United States. That these things have a tendency to involve this country in the consequences which may result from an infringement of those principles of neutrality which ought to be observed towards the powers at war;—In this view, my Lord I could not but conceive the Govern<sup>t</sup>. of the United States fully competent to the measure of restoring our vessels taken under such aggravated circumstances:—(a measure in which the assertion of its own dignity was materially involved) and that this was the fit and only medium thro' which a restitution should be sought.

A sale of one of the vessels, the ship "William" of Glasgow was made yesterday while the claim of the owners was depending in the District Courts,—the only ceremony persued in this and in other instances has been a condemnation "in the Chancery of the Consulate of the Republic of France" and an order for sale from the same authority.<sup>1</sup>

I hope to receive your Ldp's instructions as to the propriety of any official interference in cases of a similar sort and how far and in what cases any application to the Courts of Law here is to be made for restitution of British property at the expence of the Crown.

With sentiments of the most perfect respect I have the honor to be, my Lord, your Ldp's most faithful and obedient sert.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed Philad. June 8<sup>th</sup>, 1793

Mr Bond.

Rec. 15<sup>th</sup> July.

(No 2)

No. 88.

*To Lord Grenville.*

No. 3.

Philad<sup>a</sup>., June 20<sup>th</sup> 1793.

My Lord,

I have the honor to inform your Ldp. that two causes of very considerable consequence to the commercial interests of his Majesty's subjects have lately been discussed in two of the Federal Circuit Courts one in S. Carolina, the other in Virginia. In the former case<sup>1</sup> the question was whether the creditor should recover the interest upon his demand during the war and whether the accumulated interest at the end of each year should be allowed. The Court (which consisted of the district judge and one judge of the Supreme Federal Court) was divided—the district Judge was of opinion the interest should cease during the war—the Federal judge held that compound interest should be allowed as long as the parties had mutual dealings viz: till 1777 and that from that time simple interest should be allowed 'till the money should be paid—that the Treaty of Peace placed the claims of the British Cred<sup>r</sup> in the situation they would have been in, if the war had not happened—that interest resulted from the terms of the original contract and the recovery of the full sum due was a positive stipulation of the Treaty of Peace. As the Court was divided no judgment was entered—

In the latter case the following questions were agitated; whether British debts could be recovered in Virginia in which state acts of Assembly existed passed prior to the adoption of the Federal Constitution, to prohibit the recovery—Whether the payments made by the debtors into the loan office under the Act of Oct. 1777 were not to be considered as complete bars to the recovery of so much as had been paid in. Whether the Treaty of Peace should be carried into effect by the United States as the Government of Gt. Britain had not complied with the stipulations made on her part.<sup>2</sup>

It is necessary to observe to your Ldp. that under the Act of Assembly of Oct. 1777 c IX any debtor owing money to a

<sup>1</sup> Apparently the case of *Georgia vs. Brailsford*, reported in 2 Dallas, 402, 415, and 3 Dallas, 1; see letter of Judge Bee in McRae's *Life of Iradell*, II, 397, 398.

<sup>2</sup> This is the case of *Ware vs. Hylton* (originally *Jones vs. Walker*) the report of which, when it came before the Supreme Court of the United States (which reversed the decision of the Circuit Court), is in 3 Dallas, 199; see Henry's *Patrick Henry*, II, 470-475.



subject of the Crown might pay the same or any part of it into the Loan office of the state, the certificate of which should be a discharge of the debtor for so much of the debt.

As to the competency of the British creditor to recover the Court was unanimously of opinion that the Treaty of Peace upon the adoption of the Federal Constitution became part of the law of the land and paramount to all local laws and therefore, in virtue of the Treaty, British creditors might maintain suits for debts; in respect to any breach of treaty imputed to G<sup>t</sup>. Britain the Court also unanimously held that if any breach did actually exist no notice could be taken of it in a Court of Justice 'till a public declaration to that effect had been made by the Government of the United States: Upon the important point of the payments made into the loan office the judges were divided, two of the judges held that as the law of 1777 had been carried completely into effect, not only before the existence of the Federal Constitution but even previous to the Treaty of Peace the certificate of any payment from the loan office should operate as a discharge of so much of the debt and that no debtor under such circumstances could be made liable to pay a British debt in consequence of the stipulation contained in the Treaty of Peace.

The Chief Justice was of a contrary opinion but judgment was entered in favor of the defendants.

It is presumed my Lord an appeal will be brought in order to obtain the judgment of the Supreme Court of the United States upon this point

With sentiments of the most perfect respect I have the honor to be, my Lord,

Your Ldp's most faithful and most obed. ser<sup>t</sup>.

P. Bond.

**Rt. Hon. Lord Grenville**

**Endorsed Philad<sup>a</sup>. 20<sup>th</sup> June 1793.**

**M<sup>r</sup> Bond.**

**(No 3)**

**Duplicate.**

No. 89.

*To Lord Grenville.*

No. 4.

Philadelphia 25<sup>th</sup> June 1793

My Lord,

In my letter to your Ldp. of the 20<sup>th</sup> of June, of which I have now the honor to enclose a duplicate, I informed your Lordship that two cases had lately been discussed in two of the Federal Circuit Courts which were of considerable consequence to the commercial interests of his Majesty's subjects.

As to the cause in Virginia I had then reason to presume, an appeal would be brought in order to obtain the final opinion of the Supreme Court of the United States:—but my Lord I have since obtained more minute information and I am sorry to inform your Lordship the cause before the Court was left totally undecided. The great point respecting the payments made into the loan office was decided in favor of the debtors upon a demurrer by two judges against one:—as I have already stated to your Ldp; but it so happened that in the particular case the sum paid into the loan office was less than the plaintiff's demand, and a jury was sworn to try the issue upon the plea of payment.—Two of the judges being interested in the question forbore to give any opinion on the point of interest during the war—the Chief Justice directed the jury to calculate interest during the war—the jury could not agree—nine were for allowing interest and three were against it—a juror was withdrawn—of course no judgment could be entered. The benefit of an appeal therefore was lost and things remain in Virginia precisely as they were before this important trial began which lasted many days—

With sentiments of the most perfect respect I have the honor to be, my Lord,

Your Ldp's most faithful and most obed. ser<sup>t</sup>

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed Philad: June 25<sup>th</sup> 1793

M<sup>r</sup>. Bond.

Rec. 18<sup>th</sup> Aug.

(No 4)

## No. 90.

*To Lord Grenville.*

No. 9

Philad<sup>a</sup>. 5<sup>th</sup> Aug. 1793.

My Lord,

Several representations having been made to the President of the United States thro' the medium of the French Minister Plen<sup>y</sup>. that a British letter of marque ship the *Jane* of Kingston<sup>1</sup> commanded by Capt. W<sup>m</sup>. Morgan was increasing her force application was made to his Majesty's Min. in my absence to give assurances that this ship should not depart before the 1<sup>st</sup> of Aug. in order to give the Government an opportunity of investigating the subject, assurances were accordingly given my Lord and the ship was detained—Instructions were sent on the 30<sup>th</sup> of July from the War Office (A) directed to the Collector Surveyor and Master Warden of the port of Philadelphia to ascertain what repairs had been made and to report thereon, in consequence of which the officers made their report (B) to the Secretary of War on the 31<sup>st</sup> of July—who on the same day wrote a letter (C) to his Majesty's Minister Plen<sup>y</sup>., requesting he would direct the ship to reduce her force to the situation it was at the time of her arrival etc;—as Mr. Hammond was about to set out for New York, my Lord it devolved upon me to interpose in this business and finding from a conversation I had with the owners of the *Jane* that a manifest inconvenience would attend their compliance with the requisitions contained in the Secretary of War's letter I represented those inconveniences to that gentleman in a letter of the 1<sup>st</sup> of Aug (D) to which I received an answer on the same day (E) and finding my Lord that the compliance with the requisitions, was indispensable I advised the owner to prevent delay to cause the port holes to be closed which were deemed exceptionable, the four new gun carriages to be put on shore and the additional guns to be dismounted.

I thought it necessary to repair on board the ship when the survey was made and having examined the crew in the presence of the officers of the port to satisfy them they were all British seamen, examination was made into the situation of the repairs and it was deemed that the requisitions as to the reducing the force to the situation it was in at the time of the

<sup>1</sup> See American State Papers, Foreign Relations, I, 103, 108.

ship's arrival had been complied with—a proper report was thereupon made, and the ship was cleared at the Custom House and permitted to proceed on her voyage—

In comparing the conduct of the Federal Government on this occasion with what lately happened with respect to the fitting out and commissioning a little privateer called the *Democrat*<sup>1</sup> which was permitted to sail from hence a short time since, it must be allowed the measure of indulgence has not been so impartially dealt out as became the justice of the country—but the fact is, my lord, that the inability of the United States to enforce *any measures* in opposition to the views of the French faction existing here has induced the exercise of a caution, not very favorable to the dignity of the Government, but deemed inevitably necessary—With sentiments of the most perfect respect I have the honor to be, my Lord, your Ldy's most faithful and most obedient ser<sup>t</sup>.

P. Bond.

Endorsed Philad<sup>a</sup>. 5<sup>th</sup> Aug. 1793.

Mr. Bond.

Rec. 27<sup>th</sup> Dec.

(No. 9)

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**No. 91.**

*To Lord Grenville.*

No. 7.

Philad<sup>a</sup>. 7<sup>th</sup> July 1793.

My Lord,

Your Lordship has been apprised of the large investments made by British subjects in the funds of the United States, by which means an essential part of the capital of Gt. Britain is withdrawn from its natural channel and applied to the enhancement of the value of the American stock without which it would never have reached its present price: I have been frequently applied to for the purpose of receiving dividends, due to persons in England and I have very frequent opportunities of knowing the extent to which this unnatural traffic is carried.

A circumstance has lately happened here, my Lord, which if generally known would effectually correct this sort of speculation—: In consequence of some recent failures of some American houses established in London different species of

<sup>1</sup> *The Little Sarah or Petite Democrat*; *ibid.* McMaster, II, 112, 114.



stock, belonging as it was supposed to them, because standing in their names has been attached to debts due to persons here tho' it clearly appeared regular transfers of the stock had been made to persons in England, prior to the time the attachments were made:—this has occasioned not only the prevention of any transfer of stock in the names of the purchasers but even the suspension of the payments of the dividends *due*. The inconvenience resulting from this proceeding would I should hope discourage future speculators and at least check a spirit of dispensing British capitals which independent of the consideration of national detriment has been very injurious if not ruinous to individuals.—

The prodigious sales of American lands, made in Europe lately particularly in England have encouraged new attempts to dispose of vast tracts in this country. Many agents are now in Gt. Britain and others are contemplating a voyage hither for this purpose.

I have already had the honor of representing the evils attending these speculations: abstracted from any political idea the purchasers are liable to immense impositions, to vast risque as to the quality and nature of the soil—the remoteness of the lands from population—the danger resulting from the Indian war—and moreover the constant disputes arising from defective titles and disputed boundaries:—Considerations of themselves which if fitly impressed upon men's minds would discourage investments fraught with abundant mischief to those who engage in them, and as a national evil, replete with the most serious consequences—I have the honor to be my Lord, your Lordship's most faithful and obed: servt.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed. Philad<sup>a</sup>. July 7<sup>th</sup> 1793—M<sup>r</sup>. Bond.

Rec. 18<sup>th</sup> Aug.

No. 7.

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No. 92.

To Lord Grenville.

No. 13.

Philad<sup>a</sup>. Sep. 14<sup>th</sup> 1793.

My Lord,

I have the honor to inform your Lordship a most malignant fever has prevailed some weeks in this city and has excited so

much alarm that unless it be speedily checked all business public and private will be suspended.<sup>1</sup>

The prevailing opinion is that the disease was imported from some of the islands but I rather think it a doubtful point; The summer has been uncommonly intemperate—the warm weather began in the month of May—and the heat ever since has been most violent and unremitting; accompanied by frequent showers and by a series of damp weather which instead of relieving the severity of the season served only to add to the oppressiveness of the atmosphere. Hence my Lord I am induced to believe that the prevailing state of the air for near four months was very likely to create such a disease originally—at least the atmosphere was in a disposition calculated to receive contagion and spread it rapidly.

The disease seems to be of that inveterate sort that if it were to get a footing in a great or crowded city or town, the most dreadful consequences might probably ensue.

I enclose a pamphlet published here, which contains a description of this malignant fever,<sup>2</sup> and have the honor to be with perfect respect, my Lord, your Lordship's

Most faith: and most obed. serv<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

No. 92.

*To Lord Grenville.*

No. 14.

Moore Hall<sup>3</sup> 10<sup>th</sup> Oct. 1793

My Lord

In my letter of Sep. 14<sup>th</sup> from Philadelphia I had the honor to communicate to your Lordship the wretched situation of the city where a malignant fever raged with great fury.

I have for the last three weeks been obliged to take shelter at this place distant about 25 miles from Philadelphia: before I retired from thence the contagion had spread itself to a most alarming degree—it has since extended to every part of the town—the mortality among the inhabitants has increased pro-

<sup>1</sup> The yellow fever; see McMaster, II, 125-134.

<sup>2</sup> Most likely Dr. Benjamin Rush's *An Enquiry into the Origin of the late Epidemic Fever in Philadelphia*, the most important of the pamphlets on the subject printed before the close of the year.

<sup>3</sup> Moore Hall, a stone mansion, still standing in Charlestown, Chester County, was built by William Moore about 1720; Pennypacker, *Historical and Biographical Sketches*, p. 231. Moore was Bond's grandfather.

digiously—and unless some speedy change in the atmosphere happens, those who remain seem devoted to inevitable destruction. For a time my Lord it was supposed the contagion was not communicated but by contact or frequent intercourse with the sick, but it is now allowed that the modes of communication are so subtle and inscrutable that the utmost caution can scarcely guard against infection.

It is scarcely possible to conceive that amidst the cleanliness and refinements of modern living, in a city so airy and so healthy in point of situation as Philadelphia has hitherto justly been esteemed so foul a contagion could have reached so alarming a height—

Its origin has been imputed to the importation of the infection from some of the West India Islands, but my Lord I am inclined to think a series of the most intemperate and unremitting heat for 5 months past has occasioned a strong disposition in the air to create this malignant disease—

Even at this moment the heat of the weather is uncommonly oppressive, the earth is absolutely parched and the seed which has been sown a considerable time scarcely exhibits an appearance of vegetation—

Many of the neighbouring towns and some at a considerable distance have entered into regulations to prevent the introduction of this fatal disease; some of which my Lord, have been carried into effect, at the expense of every principle of humanity—

I most sincerely pray that every part of his Majesty's dominions may be protected against so dreadful a calamity.

With sentiments of the most perfect respect, I have the honor to be, my Lord, your Lordship's, most faithful and most obed. ser<sup>t</sup>.

P. Bond

R<sup>t</sup>. Hon. Lord Grenville—

Endorsed Moore Hall, 10<sup>th</sup> Oct. 1793

M<sup>r</sup>. Bond.

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No. 94.

To Lord Grenville.

No. 15.

Moore Hall Nov. 8<sup>th</sup> 1793.

My Lord,

It is with great satisfaction I inform your Lordship, that the contagion which raged most violently for ten weeks in

Philadelphia is now considerably abated after having destroyed not less than 4000 of it's inhabitants

A succession of frost and rain caused a material change in the atmosphere and soon occasioned a very perceptible alteration in the malignant nature of the disease, as well as in the severity of its symptoms.

Still, my Lord I am far from chinking this evil entirely subdued—several persons lately who ventured too suddenly into the town have been attacked by the disease and it has proved fatal to some of them. Nor can it be expected that all danger of infection should entirely subside for a length of time:—the air must undergo not only a complete but a continued unre-mitted change and even then, my Lord, much danger is to be apprehended from carelessness and inattention to infected houses and the incautious exposure of the apparel and bedding of the sick.

Certain intelligence has been received that a vessel from Philadelphia bound to one of the Western Islands was met with about the 1<sup>st</sup> of October after she had been 13 days from the land—that several of the crew were sick on board, and that one of her men had died of this malignant fever. This circumstance, my Lord, naturally excites a just ground of apprehension that every vessel from Philadelphia must approach the port of her destination in a very suspicious situation.

Several of the vessels bound for Gt. Britain and Ireland will take in their cargoes at some distance from the town; indeed some of them have never gone within many miles of it, but they must of necessity have a constant intercourse with the town and with that part of it where the ship wrights reside where the contagion has raged latterly with great severity

With sentiments of the most perfect respect, I have the honor to be, my Lord, your Lordship's most faithful and most obed<sup>t</sup> ser<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed Moore Hall, Nov. 8<sup>th</sup> 1793.

Mr. Bond.

Rec. 14<sup>th</sup> Dec.



No. 95.

*To Lord Grenville.*

No. 16.

Philad<sup>a</sup>. 27<sup>th</sup> Nov. 1793.

My Lord.

I have the honor to enclose to your Lordship a triplicate of my letter of the 8<sup>th</sup> Nov. and as many of the ships bound for G<sup>t</sup>. Britain and Ireland are about to depart from the Delaware, it seems expedient that your Lordship should be informed that in the opinion of the physicians the contagion which proved so fatal to Philad<sup>a</sup>. has intirely subsided, the inhabitants of the town to the amount of many thousands who had flown with great precipitation have returned to their houses, for the most part in the confidence of being perfectly safe from the danger of infection:

As the stated period of the meeting of the legislature of the United States as well as of the provincial legislature of Pennsylvania now approaches the governor of this state with a view to quiet the apprehensions of the different members consulted the committee who had the superintendence and care of the sick whose report confirmed the opinion of the physicians that no recent infection had happened for some time and that the legislatures might meet in perfect security—

In consequence of which, my Lord it is expected that the legislature of the United States will assemble here at the stated period which happens on the 2<sup>nd</sup> Dec. next.

With sentiments of the most perfect respect, I have the honor to be, my Lord, your Ldp's most faith. and most obed: serv<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville

Endorsed Philadelphia 27<sup>th</sup> Nov. 1793

Mr. Bond.

Rec. 31<sup>st</sup> Dec.

No. 16

By private conveyance.

No. 96.

*To Lord Grenville.*

No. 17.

Philad<sup>a</sup>. 11<sup>th</sup> Dec. 1793.

My Lord

Enclosed I have the honor to transmit to your Lordship a duplicate of the 27th of Nov. from this place and I beg leave to inform your Lordship that the legislature of the United States as well as the provincial legislature of Pennsylvania assembled here on the 2<sup>nd</sup> of this month in full confidence that no danger of infection was to be apprehended from the late contagious fever

I have made particular inquiry thro'out the town and am satisfied the disease has entirely subsided—

It is proper however that your Lordship should be informed that the committee of Philad<sup>a</sup>. who with infinite humanity superintended the sick and poor while the late calamity prevailed still recommend the indispensable necessity of cleansing and purifying houses, which had been the dwellings of the sick and have also inculcated the expedience of avoiding the sales of beds and bedding used by persons who had been afflicted by the contagion until they are known to be sufficiently aired and cleansed; and the committees of other towns appointed to guard against this infection have prohibited the introduction into their ports of any beds bedding or clothing from Philad<sup>a</sup>.

The cargoes of such vessels as are engaged in the trade between Philad<sup>a</sup>. and Gt. Britain and Ireland consist for the most part of naval stores lumber and other articles, which are not likely to communicate infection nor do I immediately advert to any species of export from which danger is to be apprehended except furs peltry and cotton: of which there is a considerable quantity laden on board the ship *George Barclay* bound from hence to London, by which vessel this letter is transmitted to your Lordship.—

As the cotton is of foreign growth I have informed the ship owners that I have received no official repeal of the order of the Com<sup>rs</sup>. of Privy Council for trade etc of the 16<sup>th</sup> of March 1789, tho' some merchants here have advice from some very respectable correspondents in London that foreign cotton is admissible in American bottoms.

As the furs peltry and cotton have been some time in this city I represented to the owners the delay of quarantine to

which such a cargo might subject their ship, but they presume a bill of health will secure them against any obstruction or delay, tho' I have pointedly declared my opinion to the contrary.

I have the honor to be my Lord, yr Ldp's.

Most faith. and most obed. ser<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville

Endorsed. Philad<sup>a</sup>. 11<sup>th</sup> Dec. 1794, [for 1793]. M<sup>r</sup>. Bond.

Rec. 23<sup>rd</sup> Jan. 17<sup>th</sup> 1794.

No. 17. by private conveyance.

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**No. 97.**

*To Lord Grenville.*

(Private)

Philadelphia Mar. 10<sup>th</sup> 1794

My Lord

The interruption of the mails to New York and the uncertainty of correspondence thro' the medium of merchant ships have rendered all communication very irregular and at this time most particularly must be attended with infinite inconvenience.

In every direction in which this country is to be viewed—its situation must be deemed exceedingly critical—critical in respect to the powers at war—critical as to the continuance of peace—and immensely so as to its constitution and government.

The proceedings of a certain faction existing in several parts of the United States during the last summer, were calculated to favor the designs of an enterprising foreign minister who never would have ventured in so gross a manner, to insult the government to which he was appointed, if he had not felt himself secure in the protection of a very formidable party:—The fact is, my Lord, that party actually increases in strength, and as its designs are as hostile to the Constitution of the United States as they are adverse to the interests of G<sup>t</sup>. Britain, whatever affects the one materially involves the other—

It is unfortunate, my Lord that the nature of the present war is favorable to the designs of this faction they avail themselves of every opportunity of calumniating the measures of his majesty's government, everything which can be thought

detrimental to G<sup>t</sup>. Britain and her allies is announced with tumultuous exaltation. Intrigue falsehood and perseverance are exerted to place the affairs of France in the most prosperous situation for the double purpose of confirming their present adherents and of adding numbers to their party,—in short every species of malignity is brought forward to poison the minds of the people and every fact is tortured to promote an inveteracy against G<sup>t</sup> Britain which has already extended itself considerably.

The orders given to his majesty's ships of war etc. to intercept supplies of provision going to France and to her colonies in a state of Blockade, and to confine the carrying trade in American bottoms from the colonies of France to those articles which were formerly permitted, have been tacked to the old ground of complaint, the retention of the posts and the Indian war which is said to result therefrom, and to these is now superadded the suspension of hostilities between Portugal and Algiers, which is imputed to the interposition of G<sup>t</sup>. Britain, and ascribed to our desire effectually to destroy the commerce of the United States with the powers of Europe.

But these calumnies, my Lord, are not confined to a faction without doors they have been used in terms of indecent aggravation in the House of Representatives of the United States and urged pointedly to favor a system of discrimination of duties zealously contemplated by the members of a particular State from whom they originate and whose objects extend far beyond mere motives of commercial reform or of regulations of revenue.

The propositions introduced by Mr. Madison were to have been resumed this day—but they gave way to the report of a bill to establish a naval armament, which passed the House of Representatives and provides for a force of 4 ships of 44 guns, and 2 ships of 36 guns.

Many of the members of the House of Representatives who heretofore opposed this plan of discrimination which must end in a war of duties if it should prevail now speak in terms of acrimony of the late measures of his Majesty's government, and without reflecting that the trade of this country suffers under a general regulation which the nature of our contest with France of necessity enforces, they seem to waver between the expedience of preserving tranquillity and the impracticability of opposing the present clamour. They know that the



commerce—the navigation the agriculture of the United States depends upon a friendly intercourse with G<sup>t</sup>. Britain, and yet, my Lord without one tried source of productive revenue except the import, is at this time very problematical whether this plan of discrimination may not succeed which will completely cripple the revenue of the country and shake its credit.

In the Senate, my Lord, an accession of strength to the anti-federal party has of itself changed the complexion of things there, and the character of moderate cool deliberation which heretofore marked the conduct of that house is not of late so predominant as it was wont to be.

There is a general ferment thro'out the seaports occasioned by the capture and detention of the American vessels in the West Indies; and without being informed of the principles upon which this regulation is founded or of the motives which impelled the measure it seems to require all the energy of the government and all the address of moderate and considerate men to prevent acts of insult and violence which intrigue and faction are endeavoring to promote—

It is in contemplation to fortify many of the harbours of the United States—the bill brought in for this purpose is in some forwardness and it is confidently asserted that a number of troops to the amount of 15,000 men will be voted.

From every appearance of things upon this continent whether they relate to the designs of an inveterate faction, to the check of a ferocious enemy whose policy since the commencement of hostilities has been to keep a naval force upon this coast, and more especially from the present temper towards G<sup>t</sup>. Britain manifested in different great towns upon this continent. I can not restrain my sincere wish that a squadron of his Majesty's ships may shortly appear in these seas—

It is devoutly to be wished, my Lord, that the discretion and prudence of this country may prevail over the mischievous efforts of designing men, but it is really at this moment a very questionable point which party will predominate.

With sentiments of perfect respect I have the honor to be my Lord, your Lordships most faithful and most obed. ser<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

No. 98.

*To Lord Grenville.*

No. 2.

Philad<sup>a</sup>. 17<sup>th</sup> Apr: 1794.

My Lord,

I beg leave to inform your Ldp. that I have with the approbation of his Majesty's Min: Plen<sup>y</sup>. deemed it advisable to recommend it to Mr. Thornton his Majesty's Vice-Consul for Maryland to withdraw himself for the present from his station at Baltimore and he has accordingly repaired to this city.

The violence which has for some time prevailed at Baltimore has of late greatly increased and some very daring threats were thrown out against Mr. Thornton by persons who from their stations in life should have practiced a very different conduct.

It seems my Lord that certain individuals there the friends of a Capt. Barney are greatly incensed at his capture and detention in Jamaica where he is under prosecution for his conduct to a prize master and some British seamen upon whom he rose and rescued his vessel—: as Mr. Thornton was established in the place where the friends of this person reside, their resentment was naturally directed towards him, and he might have been exposed to insult, at least, if he had continued upon the spot, in case the prosecution should terminate in the conviction and punishment of Cap. Barney.

In so relaxed a system of Government little reliance is to be placed upon the protection of laws or the interference of unwilling magistrates. It seemed therefore expedient, my Lord, to secure Mr. Thornton's personal safety against any sudden burst of popular intemperance and I flatter myself your Lordship will approve of his temporary retreat.

Many very indecent threats have been used here against Mr. Hammond and myself: I have myself heard menaces against us from knots of street politicians which I have regarded with a very cool indifference.

Sir Charles Knowles as well as Mr. Hamilton the King's consul at Norfolk, have been treated with great insolence, too much commendation can not be bestowed upon Sir Charles for the amazing forbearance and discretion he has exercised during his continuance for so tedious a length of time in that harbor.

As soon as I was informed my Lord that some difficulty had

arisen respecting the discharge of his Majesty's officers and seamen prisoners on board the French squadron in Lynn Haven Bay, I applied to M. la Forest, the French Consul General here—and received assurances from him that he would send immediate orders for the liberation of every prisoner: tho' I have the satisfaction to know all his Majesty's officers have been liberated, I am sorry to find some delay has happened as to the delivery of the seamen which I apprehend has been intentional: if so, my Lord it is most probable their services are requisite to the navigating the merchant ship in which they are dispersed and they will [be] carried off.

I have taken measures to obtain a full explanation of this important business the results of which I shall duly transmit to your Lordship—If I should find there had been an intentional deviation on the part [of] the French consuls from those principles which have governed me in the exchange of prisoners they m[ust] not expect the exercise of a liberality which they [do] not practice.

The French fleet, my Lord, was in Lynn Haven on the 7<sup>th</sup> inst. the merchant ships collected there am[ount] to above 100 sail, their immediate departure was expected.

The Xibique privateer Sans Culotte which has been [in] this port the whole winter sailed yesterday on a cruize.

With sentiments of the most perfect respect I have the honor to be, my Lord, your Lordship's most faithful and obed. sert

P. Bond.

R<sup>t</sup>. Hon. Lord Grenville.

Endorsed Philad<sup>a</sup>. Ap. 17<sup>th</sup> 1794.

Mr Bond.

Private.

No. 99.

To Lord Grenville.

Philad: 17<sup>th</sup> April 1794.

My Lord.

In my letter of the 10<sup>th</sup> of this month I had the honor to observe to your Lordship that the party attached to the french interest in this country, had actually increased in strength.

The fermenting the sea port towns excited by the capture and detention of American vessels in the W. Indies has been encouraged by that party and in tumultuous meetings resolu-

tious of a rash and insulting nature have been carried conveying the most opprobrious reflexions upon the conduct of his Majesty's government.

In the House of Representatives of the United States several days were occupied in debate upon a motion introduced there that an embargo be laid on all vessels in the ports of the United States except those employed in the coasting trade or fisheries, this motion was rejected on the 21<sup>st</sup> of March by a majority of 48 to 46 but on the 26<sup>th</sup> of March the motion was carried with great dispatch thro' the different branches of the legislature in the shape of a resolution that an embargo for 30 days be laid on all vessels in the ports of the United States whether then cleared out or not, bound to any foreign port or place: no clearance during that time is to be furnished to vessels bound to foreign ports except such as are under the immediate direction of the president, who was authorized to give such instructions to the revenue officers as may appear best adapted to carry the resolution into effect.

From the nature of the contracts for provisions which have been in part executed in the Middle and Eastern States, in behalf of his Majesty's government I should hope supplies of bread and flour, from this country were not relied upon for the support of the king's forces in the W. Indies, but it is expedient that your Lordship should be apprized of these proceedings, the better to be enabled to guard against any inconvenience in the operation of an embargo as it may either affect supplies for the immediate use of the King's forces or for the sustenance of the British colonies in the W. Indies.

The ostensible reason upon which this resolution for an embargo was carried was the necessity for a temporary security to the American navigation until the grounds and extent of the condemnation of their vessels in the W. Indies could be ascertained or explained: from the temper however of those who promoted the measure I am convinced it was their intention by withholding the export of provisions to the W. Indies to retaliate in this mode for the losses which their commerce has sustained, a measure so hastily adopted justifies the suspicion that its operation was vindictively pointed and however it may be glossed over it furnishes abundant cause to direct our views of supplies for his Majesty's colonies in the W. Indies, from the King's dominions, which I trust is practicable; which will not only establish a monopoly of a very advantageous



commerce, but effectually preclude that danger and risque of interruption to which a dependence upon the United States must subject us.

The' the embargo, was laid, my Lord, previous to the arrival of the new instructions of the 8<sup>th</sup> of January the explanation has not had the effect naturally to have been expected; if the mere protection of the navigation had been the real object of the embargo, the repeal of the resolution would have taken place, on the contrary a new resolution has just passed the *House of Representatives* by which the embargo is extended to the 25<sup>th</sup> of May next

The disposition of the party with whom this measure originates can not be better marked than by the complexion and tendency of other resolves lately introduced from the same quarter: particularly the resolve making provision for the sequestration of all British debts due from American debtors to be paid into the Treasury of the United States as a pledge for Indemnification for losses suffered from ships of war etc—: a resolve framed not only to meet debts already contracted but anticipating the sequestration of property which his Majesty's subjects as consignees or as creditors have in cargoes now about to arrive from Gt. Britain or Ireland. The motive for sequestration has for the present given way to another resolution to interdict all commercial intercourse with his Majesty's subjects so far as respects articles of the growth or manufacture of Gt. Britain or Ireland; after a very warm debate upon this resolution in a committee of the wh[ole] house the question was taken and carried by a majority of 53 to 4[4] and adjournment immediately took place without any further proceeding. There is every reason to presume this resolution w[ill] pass in the House of Representatives but it is supposed it will not be carried in the Senate.

There is unquestionably, my Lord, in the legislature of the United States a party of considerable talents and respectability disposed most anxiously to maintain the principles of a str[ict] neutrality and to avert the horrors of war in which they w[ell] know the very existence of this infantine government would be most fatally implicated—: It is equally certain that in both houses there is a party of extensive influence (in the House of Representatives now avowedly predominant) whose conduct manifests to the most decided disposition to embroil the two countries—

It is very evident that a government constructed as this is becomes too suddenly agitated by popular clamour; there is a defect of means to resist that clamour: There exists no system [of] party, no adherence among individuals to favour the general objects of the government: What reliance can be placed upon the assurance of the amicable disposition of the executive department of this country if upon sudden impressions made from loose and inaccurate reports before facts can be ascertained or explanations can be required, legislature thinks fit to pursue measures replete with men[aces] and with insult, when those who profess their desire to maintain peace throw weight into the scale of their opponents by admitting that indignities have been offered to the United States and that G<sup>t</sup>. Britain has grossly violated the laws of nations:—When some of the most temperate men in both houses put a breach with G<sup>t</sup>. Britain upon the single ground of expediency, they avow on their part that a cause of war exists but that it is dangerous at this time to commence hostilities.

I have taken the liberty of mentioning these things to your Lordship to show upon what a precarious ground we are now placed, when those whose conduct has been the most moderate are obliged to yield in a certain degree to the tumultuous voice of a faction I use the term faction because I am satisfied the clamours of certain individuals are advanced far beyond the opinions and wishes of the mass of the people in these Middle States, at least, where a due regard is paid to the blessings of peace and to the continuance of a friendly intercourse with G<sup>t</sup>. Britain—

A disposition is too prevalent in a great number of American traders to force every channel of commercial profit at every risque and to exclaim against every resistance attended with serious loss; clamour is of course excited and the tumult of a few disappointed persons is held forth as the voice of the people.

The extensive credits given by the British merchants to American traders, will, as they are now dealt out, constantly leave vast sums due to G<sup>t</sup>. Britain—when any occasion of jealousy or alarm prevails this circumstance will infallibly be converted into an engine of political menace:—the influence it had upon a former occasion can not be forgotten—The effect it has had in particular districts of the United States from the period of the Peace to the present moment is severely felt; the

same influence now actuates the conduct of crafty clamorous individuals:—and unfortunately some of the representatives of the people have so far departed from the dignity of their station as to favor measures at variance with every principle of national justice and most fatal to the character and credit of the country—

Upon the first point I need only observe my Lord that we possess the means of exertion to secure the navigation of G<sup>t</sup>. Britain against intrusions, and to prevent illicit traffic:—As to the other point, the extensive credit given by our merchants, I trust, my Lord, the measures now in agitation here will have one good effect in restraining it within fit limits: Convinced as I am, my Lord, that it has always operated dangerously to the political as well as commercial convenience of G<sup>t</sup>. Britain it were to be wished that in future credit may be so regulated as to convert the mode of dealing into ready money contracts—or to establish factories here under the care of agents who might dispense merchandize as it arrives, upon negotiable engagements—When our merchants reflect that their own benefits as well as the political interests of the Kingdom seem involved in this necessary modification of their commerce with the United States, they will be convinced of the propriety of adopting it. When the danger of continuing the traffic as it now stands is known and contemplated it could not be expected that G<sup>t</sup>. Britain is to be involved in a war because the payment of debts may be withheld—and our merchants will have less reason than ever to look for indemnity from Government, after the warning they have had.

I beg leave to enclose to your Lordship the act to provide for the defence of certain ports and harbors in the United States which passed on the 20<sup>th</sup> of March—and the act to provide the erecting and repairing of arsenals and magazines and for other purposes: the motion brought forward to raise 15 regiments of auxiliary troops passed in the negative and the gentleman who introduced it then moved another proposition in order to take the sense of the house whether at this time any extraordinary provision for the security of the country be necessary; this proposition was referred to a committee of nine members to report a plan by which the force of the United States may be regulated in the most effectual manner: whether the plan will be confined to the embodying the militia of the different states in certain proportions or will extend to the raising an additional regular force is not yet determined.

I also enclose to your Lordship the printed resolutions to which I have referred in this letter the one making provision for the sequestration of debts due to the King's subjects, the other prohibiting all commercial intercourse between the citizens of the United States and the King's subjects so far as it respects articles of the growth or manufacture of G<sup>t</sup>. Britain or Ireland.

I have the honor to be my Lord, your Lordship's most faithful and most obed. serv<sup>t</sup>.

P. Bond.

Rt. Hon. Lord Grenville.

Endorsed Philad<sup>a</sup>. Ap. 17<sup>th</sup> 1794.

M<sup>r</sup>. Bond.

Private

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No. 100

To Lord Grenville.

Philadelphia 28<sup>th</sup> Ap: 1794

My Lord.

In my letter of the 18<sup>th</sup> of this month, I had the honor to inform your Lordship that a resolution for the continuance of the embargo 'till the 25<sup>th</sup> of May passed the Senate on that day;—it was immediately approved by the President.—In whatever light this measure may be considered it is sufficient to excite a very serious reflexion upon the critical situation in which his Majesty's colonies in the W. Indies stand in relation to their commerce with the United States and the supplies of provisions to be drawn from this continent:—

Tho' there is some reason to apprehend the islands of St. Xpheres<sup>1</sup> and Antigua which have few internal resources may experience some degree of scarcity as well as some of the garrisons in the island of St. Domingo in the possession of his Majesty's forces, it is to be hoped the operation of this embargo may not be generally inconvenient:—

It is plain my Lord, that the disposition of those with whom the measure originated is hostile to G<sup>t</sup>. Britain,—their whole influence is exerted to promote the interests of France, we have nothing to expect from their candour but we should be guarded against the evil effects of their inveteracy—

The policy which directs the encouragement of the agri-

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<sup>1</sup> St. Christopher's, or St. Kitt's.



culture and commerce of his Majesty's dominions can not be better exerted than at this moment: it will have this certain tendency, that it will teach the people of this country that their staples are not indispensable to the subsistence of our islands, and will silence this ground of threat, so formidable in the opinions of many—

It seems a fortunate circumstance my Lord, that Government is at this moment in possession of a quantity of corn which it may be deemed eligible to convert into flour, for the supply of our islands;—the only difficulty results from the time, necessary to effectuate such a plan, which if it could be seasonably accomplished would be attended with infinite advantage; and eventually the mischief contemplated by the embargo, would recoil, with some force, upon the commerce and agriculture of the United States.

The bill introduced into the House of Representatives “to suspend the importation of certain goods wares and merchandize,” of which I have the honor to enclose a copy to your Lordship, passed the House of Representatives by a considerable majority—it was that day discussed in the Senate, and on the question being \* \* \* for the third reading of the Bill it was lost by the casting [vote] of the Vice President—it appeared however, my Lord, that in discussing the different clauses of the bill there was a majority of three members thro’ out against the [bills]

The resolution that provision be made by law for the sequestration of all British debts has not yet been proceeded upon—but if the measure should ever reach the stage of a bill in the House of Representatives it is \* \* \* probable it would experience the same fate in the Senate which has attended the bills to suspend the Importation of goods etc.

The enclosed letter, my Lord, dated this day is the production of a Mr. New one of the members of the House of Representatives from the State of Virginia:—it is not necessary my Lord, to make any farther remark upon it, than to [say] it contains the principles of the party to which he is attached most pointedly and unequivocally expressed:—the letter is \* \* \* distributed among the constituents of this member. When it is considered, my Lord, that every measure \* \* \* to embroil the two countries has originated with this \* \* \* and has been successful in the House of Representatives, \* \* \* in the single instance where such measure have

\* \* \* effectually resisted, in the Senate the majority in favor of conciliation was so very small—the establishment of \* \* \* good understanding between G<sup>t</sup>. Britain and the United States rests upon a most precarious footing.

With sentiments of perfect respect I have the honor to be, my Lord, your Lordship's most faithful and obed<sup>t</sup>. serv<sup>t</sup>.

2 P. Bond.

Rt. Hon. Lord Grenville.

Endorsed Philad<sup>a</sup>. 28<sup>th</sup> April, 1794.

Mr. Bond.

Rec. 12<sup>th</sup> June

Private

By Cap: Redman of the ship *Britania*

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No. 101.

*To Lord Grenville.*

Philad<sup>a</sup>. 20<sup>th</sup> Sep. 1794.

My Lord,

In the absence of his Majesty's Min. Plen<sup>y</sup>. who has been for some time at New York, it becomes my duty to inform your Lordship that a very alarming and dangerous insurrection has lately been excited in the counties of Washington and Allegheny, in this state,—and at this time continues.

Ever since the Excise Laws were passed a strong and ungovernable disposition to oppose the execution of them has shown itself in most of the Western States—many acts of outrage have been committed, the officers of the Revenue have been abused and threatened, as well as such of the peaceable inhabitants of the country who manifested a desire to conform to the laws.

But in the month of July last, my Lord, the marshal of the district of Pennsylv<sup>a</sup>. having been sent into the distant counties to execute the process of the District Court against defaulters, under the Excise laws was opposed in the exercise of his official duties by a party of men, disguised; was fired upon—and having taken refuge in the house of the Inspector of Revenue, the house was attacked and after some resistance, was surrendered to the assailants by whom it was immediately burnt to the ground:—The marshal was seized and conveyed

by the insurgents, to some distance where for the absolute preservation of his life, he was forced into a stipulation to forbear the service of the process; and finally, with the inspector of the Revenue was obliged, by a dreary and circuitous route thro' Virginia, to proceed to the seat of Government.

On the 7th of Aug. my Lord, the President of the United States issued his proclamation declaring these counties to be in a state of insurrection against the laws—the expediency of calling forth the militia to suppress the existing combinations and commanding the insurgents to disperse before the first day of the present month.

It is material to observe, my Lord, that in the counties where the insurrections prevail as well as in some others, committees of safety had been appointed, and a systematic resistance to the Excise Laws seems to have been deliberately resolved upon.

Many men of considerable influence in their counties so far from endeavoring to effectuate a reasonable compromise with the Government have proceeded to acts of most arbitrary violence particularly in and near the town of Pittsburg—by banishing several persons of character, whose correspondence having been taken forcibly from the common mail and examined, they were declared advocates for the Excise Laws, and of course held forth in an odious light.

A general meeting of the people of the counties west of the mountains Monongahela River, on the 14th of Aug. was announced—to which delegates from the counties of Westmoreland Washington Fayette and Allegheny were appointed.

The Government of the United States as well as of the state of Pennsylvania individually having appointed commissioners to confer with certain leading characters in the Western counties, a deputation was named for the purpose at the meeting on the Monongahela River (at Parkinson's Ferry) on the 14<sup>th</sup> of Aug. [which] had formed a committee consisting of 60 members.


The conference began on the 20<sup>th</sup> Aug. at Pittsburg, the [committee] of conference consisted of deputies from the four counties of Penn<sup>a</sup>. just mentioned as well as from the county of Ohio in Virginia, the Conference continued until the 23<sup>rd</sup> of August.

The Com<sup>rs</sup>. on the part of the Government of the United States expressed their desire to know what local accommodations were wanting to make the execution of the Excise Laws

convenient to the people—to concert proper means to restore harmony and go[od] order to bury what had passed in oblivion, and to unite with the Com<sup>rs</sup>. of Conference in endeavors to secure peace and happiness to the country. They apprized the deputies that they were not authorized to suspend the laws or to offer any assurances or even hope that the Act would be repealed:—on the contrary they declared their private opinion, that the National Councils tho' they might endeavor to conciliate every part of the community by local accomodation to persons who respect the laws, would sternly refuse every indulgence to those, who accompany their requests with threats and resist the public authority by force—that the inevitable consequence of further resistance must be military coercion, which if it *must* be employed was their choice and not the wish of the President of the United States; they concluded by saying they had no authority to enter into a Conference on the subject after the 1<sup>st</sup> of Sep. and declared no indulgence would hereafter be given to any offence to be committed against the United States.

The deputies were satisfied the Com<sup>rs</sup>. had gone as far as they could expect and having waved any discussion as to the nature of [the] tumultuous acts whether they were treasonable or amounted only to a Breach of Peace; of course whether the President . . . a Constitutional power to call upon the force of the Union to suppress them, declared it was their object to compose the disturba[nce] and required of the Com<sup>rs</sup>. to state their propositions in detail, upon which, tho' they were not authorized to give a definitive answer . . . the sense of the people upon the great question of acceding to the [laws], it was in their opinion the interest of the country to accede, and so they should report to the general committee.

The Com<sup>rs</sup>. on the part of the United States then declared what assurances of submission would be deemed satisfactory and in detail explained the engagements they had power to make.

They required the persons composing the General Committee [on] or before the first day of September explicitly to declare  submission to the laws of the United States, and that they will not oppose the Execution of the Excise Laws—that they explicitly recom. . . . an acquiescence in the Execution of these Acts and that no violence injuries or threats be offered to the person or property of any officer of



the United States or to persons complying with the laws; that they declare their determination to support the civil authority in affording the protection due to all officers and individuals:—That measures be taken by meetings in Election Districts, or otherwise to ascertain the sense of the people to submit to these laws, and that satisfactory assurances be given to the Com<sup>rs</sup>. that the people have so submitted on or before the 14<sup>th</sup> day of September:—If a full and perfect compliance with these requisitions shall take place, the Com<sup>rs</sup>. declared they had power to promise and engage, that no prosecution for any treason or indictable offence committed within that survey shall be commenced previously to the 10th day of July next or prosecuted, if there shall then be a general and sincere acquiescence in the execution of those laws a general pardon shall follow excepting such persons who shall in the meantime obstruct or attempt to obstruct the execution of any of the laws of the United States or aid or abet therein; and as the commencing prosecutions under the Excise Laws, at a distance from the place where the delinquents reside, had been urged as a grievance, the Com<sup>rs</sup>. stated that as Congress had, by a late act authorized the State Courts to take cognizance of offences against the Excise Laws, the President had resolved to direct suits against the delinquents to be prosecuted there; if it should be found upon experiment, that local prejudices or other causes do not obstruct the faithful ministrations of justice—of which he must be the judge—that certain beneficial arrangements should be made for adjusting delinquencies and prosecutions for penalties, now pending to be made and communicated by the officers appointed to carry the Excise Laws into effect.

The Com<sup>rs</sup>. from the State of Penn<sup>a</sup>. made no essential difference in their stipulations except in the single instance of requiring the Com<sup>rs</sup>. of Conference to sign an instrument expressing that they will, at all times be obedient to the laws and submit to them to which the Com<sup>rs</sup>. of Conference objected—as the signing an instrument of this sort would have the appearance of recognizance and of their having broke the Peace; whereas they were desirous to be considered as well affected to the peace of the country and as coming forward, not only in behalf of those who had broke the Peace, but of the great body of the country who have organized themselves in Com<sup>rs</sup>.. in order to preserve the public peace—They observed

that what the Com<sup>rs</sup>. of 60 may do must remain with themselves, they should make report to them of the propositions.—

When the propositions were laid before the Com<sup>rs</sup>. of 60 very warm debates ensued the violent party contended that resistance to the Excise was not only a duty but that it was practicable in the situation of the country to render the opposition effectual, that the only article requisite to ensure a happy issue was arms, they wanted neither numbers nor courage and that the militia to be sent against them would furnish arms:—It was at length after much debate determined that the question whether the people approved of the propositions of Government should be taken by ballot to prevent undue influence.—The result of this important business is not yet known here but as the leaven of sedition seems to be very much extended and the public stores at Pittsburg as well as in a town in Maryland have been recently threatened the militia to the number of 15[00] draughted from this and the neighboring states have been ordered to march and a large body of horse as well as foot are now on the way towards the Western counties.

At first my Lord thro' some irregularity in the orders, or in the manner of executing them or perhaps from a dislike to the . . . the quota of militia required of this state was not assembled with that alertness which the exigency of the case seemed to require:—

The legislature of the State of Penn<sup>a</sup>. having been convened, modifications of the militia laws have been made and tempting bounties have been held forth to [volunteers] to join defective corps:—It is however to be observed that great numbers of people of condition and character who knew the [value] of order and of good Government have freely turned out upon this occasion to support the laws:—but my Lord, it is too plain that very serious and threatening schisms exist in the very body of the country—the favorite principle of equality is promulgated by designing men, who aim at overthrowing the Government which they [ca . . . ] arbitrary and corrupt:—This is a crisis in the affairs of the United States—a temporary suppression of this revolt may happen but the establishment of a national force to strengthen the hands of the Executive party can alone secure the existing form of Government, at present the system is too relaxed to promise either respectability or duration.—With sentiments of the most per-

fect respect I have the honor to be your Ldp's most faith. and obed. ser<sup>t</sup>.

P. Bond.

Endorsed. Philad<sup>a</sup>. 20<sup>th</sup> Sep. 1794.—Mr Bond  
Rec. 22<sup>nd</sup> Oct. (No 36)  
by private conveyance.

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No. 102.

*To Lord Grenville.*

Philad<sup>a</sup>. 23<sup>rd</sup> Nov. 1794.

My Lord,

It is so long since we have had a direct opportunity of writing to England with that security which conveyances by the king's packets afford that my communications have not been so frequent as either my duty or my personal respect for your Lordship requires.

In the expectation of finding a secure conveyance I write this letter which I trust will reach England in safety.

Tho' we are not precisely informed of the progress of the negotiation now pending between Gt. Britain and the United States the degree of confidence with which many people here speak of the probable result of it excites a conjecture that no material defalcation from the demands of the United States is expected this side the water, but that America is not only to receive a full indemnity for recent claims but to derive infinite advantage from the arrangement of a commercial treaty:—

It certainly is not the interest of Gt. Britain nor can it ever be her disposition to wage war with the United States unless inevitable necessity should urge the measure, and in the present state of Europe that necessity must be of the most insuperable kind that could urge us to increase the number of our enemies and involve the nation in that load of expence and inconvenience which must be produced by so extended a war.

It is therefore, my Lord a subject of infinite satisfaction to every considerate man to seek a fair or reasonable adjustment of subsisting differences which the present negotiation promises.

However desirable the accomplishment of that object may be, it ought not to be expected that in effectuating it a sacrifice

is to be made of essential interests, nor will a desire of accommodation on our part originating in motives of immediate policy lead to a temporary indulgence the withdrawing of which may eventually excite new jealousies, on the part of the United States.

It has always been a favorite object in the contemplation of the United States to obtain a free intercourse with our West India Islands and to be permitted to carry the produce of this country as well as return cargoes in their own vessels, a benefit which as it originated in colonial connexion ceased when the dependance of the mother country upon America was dissolved.

I have heretofore, my Lord, submitted my sentiments upon this interesting subject to the consideration of Government, and from authentic documents formed tables which are to be found in the report of the Lords of the Com<sup>rs</sup>. of Privy Council for Trade etc. of the 28<sup>th</sup>. Jan 1791. I ascertained these facts that in a certain specified number of years previous to the American war the tonnage of G<sup>t</sup>. Britain employed out of the port of Philad<sup>a</sup>. was not equal to a  $\frac{1}{4}$  part of the tonnage employed out of and owned in this port—and that the tonnage of G<sup>t</sup>. Britain then, so employed was only in the proportion of 2 to 11—to the tonnage of Penn<sup>a</sup>. and the other twelve colonies combined then so employed.

These tables also ascertained this fact that in 3 specified years subsequent to the Peace, the tonnage of Gt. Britain employed out of this port was within one fifth part of the tonnage of all the United States combined so employed—

The observation resulting from these statements is that the Americans as colonists enjoying a free access to our W. India Is. in common with all other subjects of the king were enabled by their contiguity, and by the cheap rate of their outfit, nearly to monopolize the navigation thither and in return to this continent;—but as soon as the separation took place, these states being excluded from a participation in the carrying trade, the ships of G<sup>t</sup>. Britain crowded their rivers, so that in one of the greatest commercial ports, the British tonnage there employed for 3 given years, subsequent to the war was nearly equal to all the tonnage of the 13 states employed in the port during the same period:—and I think this may be taken as the average proportion thro'out this continent.

It is true my Lord, that in a short time afterward, the pre-



portion of tonnage was not so favorable to Gt. Britain, but this falling off antecedent to the present war was imputed to the discrimination of duties, between American and foreign ships which deprived us of an essential share of cargoes of raw materials to Gt. Britain and Ireland and of our manufactures . . . in return; and now by the shameful equipment of . . . many French privateers in many ports of the United States, the British tonnage in these seas is diminished almost to nothing:—but these, my Lord, are adventitious matters. We have the means of rectifying the former inconvenience and peace will obviate the latter difficulty—counter regul[ations] are within our power—if this discrimination of duties be persisted in—and when the present war shall cease, the same opportunities of advantage which heretofore existed in favor of our navigation must inevitably recur.

I have said thus much, my Lord, to introduce one remark, that however present exigencies may justify a temporary indulgence, any limitation of tonnage which is to stand as an article of permanent compact between the two countries will not avail as a means of restraining the American traders in the participation of this beneficial commerce: If the size of the vessels be limited, the numbers (from the facility of equipping vessels in the Eastern States particularly) will soon be increased in proportion to the restriction on the tonnage. This commerce was almost confined to vessels owned in the American provinces before the war; and for the same causes, which have undergone no change by the separation, it will return to the American traders, as soon as the existing impediments are done away—

It seems indispensable at this very interesting moment, my Lord, to make some temporary regulations, to secure to the inhabitants of his Majesty's islands, and to the King's garrisons in the W. Indies a regular and competent supply of provisions;—if the occasional proclamations of his Majesty's governors, in cases of emergency be not deemed competent to this purpose—should any further regulation be adopted, it ought not to be expected, that it should exist any longer than the necessity which impels it exists; the regulation, therefore, whatever it may be, will be so cautiously framed, that little cause of discontent can prevail when the period shall arrive which will enable us to resume old rules and strict principles upon the exercise of which, the safety of our naviga-

tion and the consequent importance of our commerce absolutely depend—

Perhaps, my Lord, the establishment of one or more free ports in our islands, as much to windward as possible would be a fit expedient—; by limiting the duration of the free port, to a fixed period, the American traders could not complain of the interruption of that partial intercourse when the limited time should expire; perhaps it may be *then* found right to continue the indulgence in this way; or under some new modification—; or perhaps means may be devised of making such an establishment so useful to our own navigation and commerce as to derive more extensive benefits from it, than the mere supply to our islands. But this must depend upon experience which will soon point out the propriety or impropriety of continuing the establishment, the practicability of extending it beneficially, or the necessity of dissolving it altogether.

When *free ports are* established the produce of this country may be there deposited, the produce of our islands too, to a certain extent, will find a mart there and be mutually sold or bartered. The merchants of our different islands will naturally resort thither for a supply, in seasons of scarcity.

If a direct intercourse with all our islands, were to be permitted, the danger would be that a much greater portion of our commerce would fall into the hands of the American traders than it is our interest to surrender or than the exigency of the case calls for:—In making a fit regulation to provide for present exigencies it is not necessary that we should go beyond the line by which the purpose is to be effected, or that we should extend it to our own detriment.

A direct intercourse too might habituate the inhabitants of our islands to look too much to this new mode of supply;—relying upon which they might not only neglect the culture, upon which they now depend, for a certain portion of what they consume, but might divert the supplies from G<sup>t</sup>. Britain and Ireland, out of their natural course and transfer them into the hands of strangers—

Besides, my Lord, it is neither necessary nor politic, that a too free intercourse should be permitted with people whose animosities against G<sup>t</sup>. Britain have rather increased than diminished, and whose known and avowed political tenets are directly at variance with the principles of our excellent constitution, and form of Government.

I have often thought, my Lord that if at the period of the Peace the American states had been put upon a common footing with all other foreign nations we should have understood each other better than we do, and the little causes of commercial jealousies, which have happened might not have prevailed—

Great as the indulgence is which this country has experienced, it has only served to render the American traders more eager to have it extended, and as [I] have heretofore observed to your Lordship, “a disposition is too prevalent among them to force every channel of commercial profit at every risque—: and to exclaim against every resistance attended with serious loss—clamour is of course excited and the tumult of a few disappointed persons is held forth as the voice of the people.

It has been the occasion of serious concern to me, my Lord, that the necessity which gave birth to the different orders of his Majesty in council, to impede supplies to our enemies, and to restrain an irregular commerce beneficial to them and most injurious to us—and the manner in which those orders were executed, involved the fair trader in loss and inconvenience indiscriminately with those who were forcing an illicit traffic.

From every inquiry I have been able to make on this subject, and from the opportunities my local residence gave me, I have no difficulty in pronouncing, that the scope of the American trade to the French West India Islands, afforded probable cause of general seizure and scrutiny:—and that the only ground of exception which the fair trader can take proceeds from our having tolerated an intercourse with the French Islands, for some time, after hostilities commenced, and our having suddenly interdicted the commerce, without a sufficient notice given to those who were engaged in it.

It is not necessary, my Lord, to discuss the meaning of the term *contraband* or how far the exigencies of nations have obliged them to extend it to articles of almost every description: It is sufficient for the purpose to say, that upon a fair investigation it will turn out, that a great proportion of the vessels and cargoes captured came within one or other of the predicaments of American vessels having the goods of an enemy on board—or contraband articles found in American vessels—of American vessels engaged in carrying supplies to places belonging to our enemies in a state of blockade,—or of American vessels in a time of war, found in the exercise of a com-

merce, which the french did not admit in times of Peace; to which last point the exception taken by the fair trader to our having tolerated the intercourse and suddenly interdicted it alone applies:—

If these things should be ascertained upon a due and careful examination of the subject, much of the clamour which has been excited here, must fall to the ground—and America can have little reason to complain of the exercise of rights founded in the acquiescence of nations and justified by the common exigency of the moment:—Indeed, my Lord, all clamour upon this point must be deemed premature, at least if there be any meaning in a favorite principle inculcated by very high authority in this country, that there can be no grant of complaint of the denial of justice until it has been sought for thro' every tribunal even to the last appeal:—

Upon the subject of appeals, my Lord, it has been suggested that the American merchants were deprived of the opportunity of entering them, because they were unable to obtain the requisite security to prosecute appeals. Whether this be the fact applied to *condemnations* I will not pretend to say—but thro' the same medium from whence I derived very material explanations as to the real merits of American prize causes in our islands, I have learnt that in every case of *acquittal*, in one particular court much complained of, where the libellants appealed no instance has occurred where the American owners have failed to procure security; and for sums to which the treble costs, for which the appellant is to answer in case the sentence should be affirmed bore no sort of proportion.

But, my Lord, the liberality and justice of G<sup>t</sup>. Britain have interposed, to restore the right of investigating every pretension and claim which had been forfeited thro' lapse of time; and things are now put into a train which will quickly [determine] whether the ground of arrest and detention were or were not justifiable.

It then becomes a very natural question, my Lord, whether this candor in his Majesty's government towards America is the result of reciprocal justice on the part of this country towards us!—Whether the immense debts of our merchants carry a better prospect of recovery after 11 years? Whether fair principles of neutrality in this critical conflict are rightly and effectually observed—in dealing out the same measure of protection to us which is extended to our enemies? in short



whether the Government or the people manifest a propensity to dispense equal goodwill and similar good offices to us, as to our enemies—?

Sorry I am to say, my Lord, that in the Southern States the spirit of protraction and abridgement of interest stand pretty much as they did, without any material deviation from that original system which has involved our merchants in so much disappointment and loss: and I am more and more convinced that if ever fit atonement be made, it is to be expected only thro' the medium of the legislature, an expectation of a very precarious sort.

As to the exercise of a fair or efficient course of neutrality—the destruction of our commerce by swarms of picaroons fitted out under the very eye of some of the individual governments and the almost constant evasions of claims for the restitution of our vessels illegally taken furnish sad testimony of the inefficiency of the laws and of the unwillingness of officers intrusted with particular duties. In point of commercial detriment to us, it makes no sort of difference whether the injury arise from a disposition in the government to favor our enemies or from real imbecility or supineness in its officers to enforce its decrees.

Upon the last point, my Lord, we have had too many recent proofs of the disrespect exhibited by some of the State Governments of the languor of the general government and of the malevolence of the people wherever it could be exhibited even against officers of high rank and consideration in the King's service, to expect in these times either the manifestation of goodwill or the exertion of good offices towards any subject of the crown.

I lament exceedingly that things are in this situation. We certainly have a claim upon this country for a return of the justice and liberality we practice towards it. The balance of commercial benefit is already vastly in favor of the United States, the present moment does not seem to furnish pretensions to any new indulgence.

There is scarcely a direction, my Lord, in which we can view the United States that does not present them in the light of a country aiming at competition with us in matters which effect our best interests:—The material benefit we derive from them results from their furnishing us with raw materials which we convert into profitable articles of manufacture which they con-

sume. Even in this respect, there is a reciprocal benefit to this country in the preference and liberal price we pay for their raw materials, in the peculiar quality and cheapness of the manufactures we send them and above all in the infinite accommodation in point of credit which cannot be obtained elsewhere.

But it is unquestionably the fact, my Lord, [that this country,] tho' but an infant rival is the avowed rival of Gt. Britain: the United States, for instance, are eagerly endeavoring to increase their own population to the diminution of the population of Gt. Britain.

They are endeavoring to promote manufactures in which we are beneficially employed, and every device is practiced to decoy useful artificers from the country which gave them birth, and has the best claim to the exertion of their labour and of their talents.

They are jealous of our extended navigation and expanded commerce and are striving by all possible means to diminish the consequence of the one upon which the other so much depends. They employ our seamen and by the temptation of enormous wages and the security which a neutral flag affords them seduce from their natural allegiance a great number of this useful race of men, at a time when their king and country stand much in need of their best services:—

And availing themselves of the identity of language successfully evade scrutinies by deceptions as to locality of birth which no other nation *can* attempt.—

In holding out objects of precarious speculation, individuals of high rank and consequence in these states practice very gross enormities, and the examples of the wealthy in England who have entered into American land investments, is daily making a progress among persons of lesser means, who are not only transferring their capitals hither, but with their capitals, their affections for a new government, the operations of which are as yet untried and its duration very problematical.

To secure the success of sales of immense tracts of land, charts and descriptions, artfully prepared and with all the solemnity of official attestations are sent forward and consignments to persons of influence in great trading towns in Gt. Britain and Ireland, who being interested by the benefit they are to derive from the sale naturally exert themselves zealously in the disposal of them —

Having been early apprised of this traffic, my Lord, I for-

mally made the necessary communications to Government as to the extent of the evil which is now immensely increased in so much that whole ranges of stony mountains tops and dreary barren wastes have been surveyed returned and patented for the mere purpose of sale to unwary strangers

This shameful trade is carried on to such a degree, that men of respectability here do not hesitate to pronounce it a disgrace to their national character.

It is a great misfortune my Lord that the intercourse between the two countries leads to so many impositions on the credulity of those who having too great a stock of faith or of money or of both too easily become the victims of these plausible impostors.

It would be an act of public utility as well as of private benefit to restrain these sales under certain regulations of this sort, that as great frauds had been practiced it should be penal to offer foreign lands either at public or private sale unless the documents of the title were accompanied by a fit attestation that the lands were of a merchantable quality and as to intrinsic value bear a certain proportion to the price demanded for them—

There never was a period which required more constant attention to the Execution of the laws which prevent the enticing of artificers to go into foreign countries, which impose forfeitures on artificers who shall go out of his majesties dominions to exercise or teach their trades to foreigners, and shall not return upon notice given them by persons authorized for that purpose:—the penalties which are imposed upon persons contracting with or seducing artificers might be increased and extended to all handicraftsmen and labourers as well as individuals of every description—

The spirit of migration has gone forth, my Lord, it is assisted and encouraged not only by shipowners and shipmasters engaged in the passenger trade but by societies formed here, to encourage emigrants, at the head of which are extensive landholders who by this adventitious increase of the population of this country effectually secure rapid and enormous fortunes.

This influx of emigrants from England into the United States naturally excites an alarm, that great quantities of money will be brought out of the kingdom and enforces the expediency of a most scrupulous attention to prevent the

exportation of the current coin of the realm which appears to me, my Lord, to be a serious and increasing evil.

I cannot conclude this letter, my Lord without adverting *shortly* to some particular objects which as they were not provided for by the Treaty of Peace; may be, very properly, introduced into any new compact which may be formed between the two countries.—

1. The restoring the proof and authentication of British debts to the old mode which prevailed during the dependance of America upon Gt. Britain or substituting some mode of proof equally convenient to the creditors

2. The subjecting lands to the payment of British debts, which species of property being *now* in some of the states exempt from execution is the cause of infinite evasion and delay—

3. The doing away the corruption of blood which took place in consequence of the attainder of the loyalists for their attachment to his Majesty's person and government, a matter which as it stands at present, may be productive of infinite loss and inconvenience to the descendants of the loyalists.—I have taken the liberty of trespassing upon your Lordship's patience at this time, from a conviction of the importance of the different subjects to which I have alluded, and an assurance that these communications will be received with that liberality and consideration I have ever experienced from your Lordship. With sentiments of the most perfect respect I have the honor to be my Lord your Lordship's most faithful and most obed. ser<sup>t</sup>.

P. Bond.

Endorsed, Philadelphia 23<sup>rd</sup> Nov. 1794.

M<sup>r</sup>. Bond.

Rec. 15<sup>th</sup> February



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